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THE

PUBLIC GENERAL STATUTES

PASSED IN THE

THIRTY-EIGHTH & THIRTY-NINTH YEARS

OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA,

1875:

WITH

A COPIOUS INDEX, TABLES,

&c.

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1875.

A

TABLE

OF

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vii. An Act to confirm certain Provisional Orders made by the Education Department under "The Elementary Education Act, 1870," to enable the School Boards for Caister, Norfolk, and Rochford, Essex, to put in force "The Lands Clauses Consolidation Act, 1845," and the Acts amending the same.
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ix. An Act for confirming a Provisional Order made under the "Public Health (Scotland) Act, 1867," relating to the parish of Beith in the county of Ayr.

x. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Districts of Astley Abbotts, the Borough of Barnstaple, the District of Bicester Market End, the Special Drainage District of Childs Hill, the Districts of Chiswick and Lepton, the Boroughs of Saint Alban and Sheffield, and the District of Slaithwaite.

xi. An Act for confirming certain Provisional Orders made by the Board of Trade under The General Pier and Harbour Act, 1861, relating to Bournemouth, Carnlough, Clacton-on-Sea, Folkestone, Hythe (Southampton), and Withernsea.

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cxviii. An Act to empower the Commissioners of Her Majesty's Woods, Forests, and Land Revenues to convey certain Lands and Premises to the Commissioners of Chelsea Hospital; and for other purposes relating thereto.

cxix. An Act to confirm a Provisional Order under "The "Drainage and Improvement of Lands (Ireland) Act, 1863," and the Acts amending the same.

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clxx. An Act to confirm a Provisional Order made by one of Her Majesty's Principal Secretaries of State, in pursuance of the Salmon Fishery Act, 1873, relating to the Taw and Torridge Salmon Fishery District.

clxxi. An Act for confirming a Provisional Order made under "The General Police and Improvement (Scotland) Act, 1862," relating to the Burgh of Paisley, in the County of Renfrew.

clxxii. An Act for transferring to the Ecclesiastical Commissioners for England certain Estates now vested in the Fen Chapel Trustees, and to make the Acts relating to the said Commissioners applicable thereto.

clxxiii. An Act to confirm a Provisional Order made by the Education Department under "The Elementary Education Act, 1870," to enable the School Board for London to put in force "The Lands Clauses Consolidation Act, 1845," and the Acts amending the same.

clxxiv. An Act to confirm a Provisional Order made by the Education Department under "The Elementary Education Act, 1870," to enable the School Board for London to put in force "The Lands Clauses Consolidation Act, 1845," and the Acts amending the same.

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cxciv. An Act to continue certain Turnpike Acts in Great Britain, and to repeal certain other Turnpike Acts; and for other purposes connected therewith.

cxcv. An Act for regulating the Traffic in the City of Dublin, and certain other parts of the Police District of Dublin Metropolis; and for other purposes relating thereto.

ccxi. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Boroughs of Abingdon and Barnsley, the District of Bradford (Wilts), the Boroughs of Colchester, Daventry, and Deal, the Evesham Union, the Borough of King's Lynn, the Districts of Kirkby Lonsdale and Leigh, the Mitford and Launditch Union, the Boroughs of Nottingham, Hastings, and Stafford, the Stockton Union, the Borough of Sudbury, and the District of Todmorden.

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THE

PUBLIC GENERAL STATUTES,

38 VICTORIA.

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CHAPTER 1.

An Act to apply the sum of eight hundred and eighty-two thousand six hundred and sixty-one pounds eight shillings and elevenpence out of the Consolidated Fund to the service of the years ending the thirty-first day of March one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five. [19th March 1875.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, towards making good the supply which we have cheerfully granted to Your Majesty in this session of Parliament, have resolved to grant unto Your Majesty the sum herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Issue of 882,661*l.* 8*s.* 11*d.* out of the Consolidated Fund for the service of the years ending 31st March 1874 and 1875.

1. The Commissioners of Her Majesty's Treasury for the time being may issue out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and apply towards making good the supply granted to Her Majesty for the service of the years ending on the thirty-first day of March one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five the sum of eight hundred and eighty-two thousand six hundred and sixty-one pounds eight shillings and elevenpence.

Power to the Treasury to borrow.

2. The Commissioners of the Treasury may borrow from time to time on the credit of the said sum, any sum or sums not exceeding in the whole the sum of eight hundred and eighty-two thousand six hundred and sixty-one pounds eight shillings and elevenpence, and shall repay the moneys so bor-

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rowed with interest not exceeding five pounds per centum per annum out of the growing produce of the Consolidated Fund at any period not later than the next succeeding quarter to that in which the said sums were borrowed.

Any sums so borrowed shall be placed to the credit of the account of Her Majesty's Exchequer, and shall form part of the said Consolidated Fund, and be available in any manner in which such fund is available.

CHAPTER 2.

An Act to apply the sum of seven million pounds out of the Consolidated Fund to the service of the year ending the thirty-first day of March one thousand eight hundred and seventy-six. [19th March 1875.]

Most Gracious Sovereign;

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, towards making good the supply which we have cheerfully granted to Your Majesty in this session of Parliament, have resolved to grant unto Your Majesty the sum herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Issue of 7,000,000*l*. out of the Consolidated Fund for the service of the year ending 31st March 1876.

1. The Commissioners of Her Majesty's Treasury for the time being may issue out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and apply towards making good the supply granted to Her Majesty for the service of the year ending on the thirty-first day of March one thousand eight hundred and seventy-six, the sum of seven million pounds.

Power to Treasury to borrow from time to time.

2. The Commissioners of the Treasury may borrow from time to time on the credit of the said sum, any sum or sums not exceeding in the whole the sum of seven million pounds, and shall repay the moneys so borrowed, with interest not exceeding five pounds per centum per annum, out of the growing produce of the Consolidated Fund at any period not later than the next succeeding quarter to that in which the said sums were borrowed.

Any sums so borrowed shall be placed to the credit of the account of Her Majesty's Exchequer, and shall form part of the said Consolidated Fund, and be available in any manner in which such fund is available.

CHAPTER 3.

An Act to make further provision with respect to the Salaries of the Magistrates of the Police Courts in the Metropolitan Police District.

[19th March 1875.]

WHEREAS by section nine of the Act of the session of the second and third years of the reign of Her present Majesty, chapter seventy-one, intituled "An Act for regu-" lating the police courts in the metropolis," provision is made for payment to the police magistrates appointed to the police courts in the metropolitan police district of "such salaries as " Her Majesty shall direct, the salary to the chief magistrate " not being more than twelve hundred pounds, and to each " of the other magistrates not more than twelve hundred " pounds," such salaries to be paid on the quarter days therein mentioned:

And whereas by section nineteen of the Act of the session of the eighteenth and nineteenth years of the reign of Her present Majesty, chapter one hundred and twenty-six, intituled " An Act for diminishing expense and delay in the adminis-" tration of criminal justice in certain cases," it is provided that "the salary to be paid to the said chief magistrate shall " be such yearly sum not exceeding fifteen hundred pounds as " Her Majesty may direct:"

And whereas it is expedient to increase the salary of the said magistrates as herein-after mentioned:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Salaries of magistrates of metropolitan police courts.

1. After the first of the said quarter days which happens after the passing of this Act there shall be payable out of the Consolidated Fund of the United Kingdom to the chief of the police magistrates appointed to the metropolitan police courts in the metropolitan police district the yearly salary of eighteen hundred pounds, and to each of the other magistrates so appointed the yearly salary of fifteen hundred pounds.

Every such salary shall accrue due from day to day during the time of the continuance in office of the magistrate, and shall be payable at such intervals, not exceeding three months, as may be from time to time determined by the Commissioners of Her Majesty's Treasury.

Repeal of Acts.

2. The Acts mentioned in the schedule to this Act are hereby repealed to the extent in the third column of that schedule mentioned, without prejudice to any right acquired or liability accrued in pursuance of such enactment; and any

salary payable in pursuance of any enactment hereby repealed, or any proportionate part of such salary due up to the passing of this Act, shall be payable as if the same were payable in pursuance of this Act.

Short title.

3. This Act may be cited as the Metropolitan Police Magistrates Act, 1875.

SCHEDULE.

ACTS REPEALED.

Session and Chapter.	Title or abbreviated Title.	Extent of Repeal.
2 & 3 Vict. c. 71. -	An Act for regulating the police courts in the metropolis.	So much of section nine as relates to the salary of any police magistrate, and section eleven
18 & 19 Vict. c. 126. -	An Act for diminishing expense and delay in the administration of criminal justice in certain cases.	Section nineteen.
35 & 36 Vict. c. 51. -	The Judges Salaries Act, 1872.	So much as relates to the salary of any police magistrate in the metropolis.

CHAPTER 4.

An Act to amend the Superannuation Act, 1859, so far as relates to the Superannuation Allowances to be granted to Civil Servants who have served in unhealthy Climates. [19th March 1875.]

WHEREAS it is expedient to authorise the grant of special rates of pension to persons who have served in an established capacity in the permanent civil service of the State, where such persons have served in an unhealthy place:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Determination of places to be deemed unhealthy.

1. It shall be lawful for the Commissioners of the Treasury from time to time by any order or warrant to declare that any country or place therein named shall be deemed to be an un-

healthy place, and the same shall thereupon be deemed, for the purposes of the Superannuation Act, 1859, and this Act, to be an unhealthy place.

Section thirteen of the Superannuation Act, 1859, relating to the laying of orders and warrants before Parliament, shall apply to every order and warrant made under this section.

Special rate of pension to person who has served in unhealthy place.

2. When a person who has served in an established capacity in the permanent civil service of the State is entitled to any superannuation, compensation, gratuity, or other allowance under the provisions of the Superannuation Act, 1859, two years service by him in an unhealthy place shall, in calculating the amount of such superannuation, compensation, gratuity, or other allowance, be reckoned as service for three years; and service in an unhealthy place for any greater or less period than two years shall be reckoned in the like proportion: But nothing in this Act contained shall alter or affect the second section of the Superannuation Act, 1859, so far as it requires a service of ten years before a person becomes entitled to any annual superannuation allowance.

Commencement of Act.

3. This Act shall commence on the seventeenth day of February one thousand eight hundred and seventy-five, and apply to persons who have retired from the public service since that day.

Construction and short title.

4. This Act may be cited as the Superannuation Act, 1875, and shall be construed as one with the Superannuation Act, 1859, and together with that Act may be cited as the Superannuation Acts, 1859 and 1875.

CHAPTER 5.

An Act to amend the Law relating to the Registry of Deeds Office, Ireland. [19th March 1875.]

WHEREAS by an Act of the session of the second and third years of the reign of King William the Fourth, chapter eighty-seven, intituled "An Act to regulate the Office "for Registering Deeds, Conveyances, and Wills in Ireland," the Lord High Treasurer, or the Commissioners of Her Majesty's Treasury, are authorised to regulate the Register Office therein mentioned, and to make regulations, orders, and directions respecting such office, and the persons employed therein, and the fees and moneys received therein; and by section thirty-five of the said Act it is among other things enacted as follows:

2 & 3 W. 4. c. 87.

"Provided always, that every regulation, order, or direction "so made or given by the said Lord High Treasurer or Com-"missioners aforesaid under this Act shall be forthwith laid

"before both Houses of Parliament, if Parliament shall then "be sitting, and if Parliament shall not then be sitting, in "that case within fourteen days after the next meeting of "Parliament, and that the same shall not be carried into effect "or become and be binding and conclusive until after the end "of the session in which the same shall be so laid before both "Houses of Parliament:"

And whereas it is expedient to repeal the latter portion of the said provisions which limits the time at which the regulation, order, or direction is to take effect:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Amendment of section 35 of recited Act.

1. So much of section thirty-five of the above-recited Act as enacts that any regulation, order, or direction therein mentioned shall not be carried into effect, or become and be binding and conclusive, until after the end of the session in which the same is laid before both Houses of Parliament, is hereby repealed: Provided that no regulation, order, or direction mentioned in section thirty-five of the above-recited Act shall be in force until the same shall have been laid forty days before both Houses of Parliament while in session, and if either House within that period resolve that the whole or any part of such regulation, order, or direction ought not to be in force, the same shall not have any force, without prejudice nevertheless to the making any other regulation, order, or direction in its place.

CHAPTER 6.

An Act to extend the Time for the Epping Forest Commissioners to make their Final Report.

[19th March 1875.]

34 & 35 Vict. c. 93.

WHEREAS by the Epping Forest Act, 1871, it was enacted that the Commissioners thereby appointed should within two years from their appointment make a final report to Her Majesty on the matter referred to them, and that such report should be laid before both Houses of Parliament within fourteen days after the making thereof, if Parliament should then be sitting, and if not, then within fourteen days after the next meeting of Parliament:

35 & 36 Vict. c. 95.

And whereas additional powers were conferred upon the said Commissioners by the Epping Forest Amendment Act, 1872, which was incorporated with the said Act of 1871:

And whereas by the Epping Forest Act, 1873, it was enacted that it should be lawful for the Commissioners to make the said report at any time within two years from the passing of the said Act, and that such report should be laid before both Houses of Parliament within fourteen days after the making thereof, if Parliament should be then sitting, and if not, then within fourteen days after the next meeting of Parliament: 36 Vict. c. 5.

And whereas it is expedient to amend the powers of the said Acts and further to extend the time for making the said final report and the time when such report shall be presented to both Houses of Parliament:

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Time for making final report and for exercise of Commissioners power extended.

1. In case the said Commissioners shall be unable to make their final report to Her Majesty within the period limited by the Epping Forest Act, 1873, it shall be lawful for the said Commissioners to make the said report at any time within one year from the passing of this Act, and all the powers conferred on the said Commissioners and on the Commissioners of Her Majesty's Works and Public Buildings respectively by the said recited Acts shall be and the same are hereby extended until the Commissioners shall make the said final report to Her Majesty within the period hereinbefore mentioned.

Penalty not exceeding 20*l.* for new inclosure or waste in breach of Commissioners orders.

2. Any person who shall in contravention of any order made by the Commissioners under the fifth section of the Epping Forest Amendment Act, 1872, make any inclosure of any land within the said Forest not inclosed before the passing of the Epping Forest Act, 1871, or wilfully or maliciously commit any waste, injury, or destruction of vert herbage, trees, shrubs, or other growing things in or upon any land within the said Forest to which the order relates, shall be liable to a penalty not exceeding twenty pounds to be recovered upon summary conviction.

Final report to be laid before Parliament.

3. The said final report shall be laid before both Houses of Parliament within fourteen days after the making thereof, if Parliament be then sitting, and if not, then within fourteen days after the next meeting of Parliament.

Short title.

4. This Act may be cited for all purposes as "The Epping Forest Act, 1875."

CHAPTER 7.

An Act for punishing Mutiny and Desertion, and for the better payment of the Army and their Quarters.

[22d April 1875.]

WHEREAS the raising or keeping a standing army within the United Kingdom of Great Britain and Ireland in time of peace, unless it be with the consent of Parliament, is against law:

And whereas it is adjudged necessary by Her Majesty and this present Parliament that a body of forces should be continued for the safety of the United Kingdom, and the defence of the possessions of Her Majesty's Crown, and that the whole number of such forces should consist of one hundred and twenty-nine thousand two hundred and eighty-one men, including those to be employed at the depôts in the United Kingdom of Great Britain and Ireland for the training of recruits for service at home and abroad, but exclusive of the numbers actually serving within Her Majesty's Indian possessions:

Number of men to consist of 129,281, including those employed at depôts in United Kingdom, but exclusive of those actually serving in India.

And whereas no man can be forejudged of life or limb, or subjected in time of peace to any kind of punishment within this realm by martial law, or in any other manner than by judgment of his peers, and according to the known and established laws of this realm; yet nevertheless it being requisite, for the retaining all the before-mentioned forces in their duty, that an exact discipline be observed, and that soldiers who shall mutiny or stir up sedition, or shall desert Her Majesty's service, or be guilty of crimes and offences to the prejudice of good order and military discipline, be brought to a more exemplary and speedy punishment than the usual forms of the law will allow:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Articles of War made by Her Majesty to be judicially taken notice of, and copies printed by the Queen's printer to be transmitted to judges, &c.

1. It shall be lawful for Her Majesty to make Articles of War for the better government of Her Majesty's army, which articles shall be judicially taken notice of by all judges and in all courts whatsoever; and copies of the same, printed by the Queen's printer, shall, as soon as may be after the same shall have been made and established by Her Majesty, be transmitted by Her Majesty's Secretary of State for the War Department to the judges of Her Majesty's superior courts at Westminster, Dublin, and Edinburgh respectively, and also to the governors of Her Majesty's dominions abroad: Provided that no person within the United Kingdom of Great Britain and Ireland, or within the British Isles, shall by such Articles of War be subject to suffer any punishment extending to life or

limb, or to be kept in penal servitude, except for crimes which are by this Act expressly made liable to such punishments as aforesaid, or shall be subject, with reference to any crimes made punishable by this Act, to be punished in any manner which shall not accord with the provisions of this Act: Provided also, that nothing in this Act contained shall in any manner prejudice or affect any Articles of War or other matters made, enacted, or in force, or which may hereafter be made, enacted, or in force, under the authority of the Government of India, respecting officers or soldiers or followers in Her Majesty's Indian army, being natives of India; and on the trial of all offences committed by any such native officer or soldier or follower, reference shall be had to the Articles of War framed by the Government of India for such native officers, soldiers, or followers, and to the established usages of the service.

Persons subject to this Act.

2. All the provisions of this Act shall apply to all persons who are or shall be commissioned or in pay as an officer, or who are or shall be listed or in pay as a non-commissioned officer or soldier, and to all warrant officers, and to all persons employed on the recruiting service receiving pay, and all pensioners receiving allowances in respect of such service, and to persons who are or shall be hired to be employed in the royal artillery, royal engineers, and to master gunners, and to conductors of stores, and to the corps of royal military surveyors and draftsmen, and to all officers and persons who are or shall be serving in the Control Department, and to officers and soldiers serving in the army hospital corps, or the army service corps, and to persons in the War Department, who are or shall be serving with any part of Her Majesty's army at home or abroad, under the command of any commissioned officer, and (subject to and in accordance with the provisions of an Act passed in the thirtieth and thirty-first years of the reign of Her present Majesty, chapter one hundred and ten,) to any out-pensioners of the Royal Hospital, Chelsea, who may be called out on duty in aid of the civil power, or for muster or inspection, or who having volunteered their services for that purpose shall be kept on duty in any fort, town, or garrison, and to all civil officers who are or shall be employed by or act under the Secretary of State for War at any of Her Majesty's establishments in the islands of Jersey, Guernsey, Alderney, Sark, and Man, and the islands thereto belonging, or at foreign stations; and all the provisions of this Act shall apply to all persons belonging to Her Majesty's Indian forces who are or shall be commissioned or in pay as officers, or who shall be listed or in pay as non-commissioned officers or soldiers, or who are or shall be serving or hired to be employed in the artillery or any of the trains of artillery, or as master gunners or gunners, or as conductors

of stores, or who are or shall be serving in the department of engineers, or in the corps of sappers and miners, or pioneers, or as military surveyors or draftsmen, or in the ordnance or public works or commissariat departments, and to all storekeepers and other civil officers employed under the ordnance, and to all veterinary surgeons, medical storekeepers, apothecaries, hospital stewards, and others serving in the medical department of the said forces, and to all licensed sutlers, and all followers in or of any of the said forces; provided that nothing in this Act contained shall extend to affect any security which has been or shall be given by any officers, or their sureties, for the due performance of their respective offices, but that all such securities shall be and remain in full force and effect:

And this Act shall apply to all persons receiving pay as members of the permanent staff of any militia regiment, and to all persons being enrolled in the militia who are attached for purposes of instruction, or otherwise, to a regiment or body of troops of the regular forces, and to all militia recruits and other persons in the militia receiving pay during the period of preliminary training, when the militia battalions to which they belong are not for the time being out for training and exercise, and to all men enrolled in the reserve force when called out for training or exercise, or when kept on duty having volunteered their services, or when called out in aid of the civil power, or when called out on permanent service under Her Majesty's Proclamation: And all such persons shall, during such periods, and in respect of offences committed during such periods, be deemed to be part of the regular forces for the purposes of this Act in respect of billeting, discipline, trial, and punishment.

Provisions of this Act to extend to Jersey, Guernsey, &c.

3. This Act shall extend to the islands of Jersey, Guernsey, Alderney, Sark, and Man, and the islands thereto belonging, as to the provisions herein contained for enlisting of recruits, whether minors or of full age, and swearing and attesting such recruits, and for mustering and paying, and as to the provisions for the trial and punishment of officers and soldiers who shall be charged with mutiny and desertion, or any other of the offences which are by this Act declared to be punishable by the sentence of a court-martial, and also as to the provisions which relate to the punishment of persons who shall conceal deserters, or shall knowingly buy, exchange, or otherwise receive any arms, medals for good conduct or for distinguished or other service, clothes, military furniture, or regimental necessaries from any soldier or deserter, or who shall cause the colour of any such clothes to be changed, or who shall aid in the escape of a prisoner from a military prison, or who shall introduce forbidden articles into such prison, or shall carry out any such articles, or who shall assault

any officer of such prison, and also as to the provisions for exempting soldiers from being taken out of Her Majesty's service for not supporting or for leaving chargeable to any parish any wife or child or children, or on account of any breach of contract to serve or work for any employer, or on account of any debts under thirty pounds in the said islands.

Colonial and foreign troops in Her Majesty's pay to be subject to provisions of this Act.

4. All officers and soldiers of any troops mustered and in pay which shall be raised and serving in any of Her Majesty's dominions abroad, or in places in possession of or occupied by Her Majesty's subjects under the command of any officer having any commission immediately from Her Majesty, shall be subject to the provisions of this Act and of Her Majesty's Articles of War in like manner as Her Majesty's other forces are; and if such officers and soldiers, having been made prisoners, be sent into Great Britain or Ireland, although not allowed to serve therein, all the provisions of this Act in regard to billeting soldiers shall apply to such officers and soldiers.

Provision as to the militia or yeomanry or volunteer corps or reserve forces.

5. Nothing in this Act contained shall be construed to extend to any militia forces or yeomanry or volunteer corps in Great Britain or Ireland, or to the reserve force provided for by "The Reserve Force Act, 1867," or to the reserve force provided for by "The Militia Reserve Act, 1867," excepting as stated in the second section of this Act, and as herein-after enacted, or where by any Act for regulating any of the said forces or corps the provisions contained in any Act for punishing mutiny and desertion are or shall be specifically made applicable to such forces or corps.

Power to constitute courts-martial.

6. For the purpose of bringing offenders against this Act and against the Articles of War to justice, Her Majesty may from time to time, in like manner as has been heretofore used, grant commissions under the Royal Sign Manual for the holding of courts-martial within the United Kingdom of Great Britain and Ireland, and may grant commissions or warrants under the said Royal Sign Manual to the chief governor or governors of Ireland, the commander of the forces, or the person or persons commanding in chief, or commanding for the time being, any body of troops belonging to Her Majesty's army, as well within the United Kingdom of Great Britain and Ireland and the British Isles as in any of Her Majesty's garrisons and dominions or elsewhere beyond seas, for convening courts-martial, and for authorising any officer under their respective commands to convene courts-martial, as occasion may require, for the trial of offences committed by any of the forces under the command of any such last-mentioned officer, whether the same shall have been committed before or after such officer shall have taken upon him such command: Provided that the officer so authorised be not below the degree of a field officer, except in detached situations beyond seas

where a field officer is not in command, in which case a captain may be authorised to convene district or garrison courts-martial: Every officer so authorised to convene courts-martial may confirm the sentence of any court-martial convened by him according to the terms of his warrant.

Place where offenders may be tried.

7. Any person subject to this Act who shall, in any part of Her Majesty's dominions or elsewhere, commit any of the offences for which he may be liable to be tried by court-martial by virtue of this Act or of the Articles of War, may be tried and punished for the same in any part of Her Majesty's dominions or in any other place whereto he may have come or where he may be after the commission of the offence, as if the offence had been committed where such trial shall take place.

Powers of general courts-martial.

8. Every general court-martial convened within the United Kingdom or the British Isles shall consist of not less than nine commissioned officers, each of whom shall have held a commission for three years before the date of the assembly of the court. Every general court-martial shall have power to sentence any officer or soldier to suffer death, penal servitude, imprisonment, forfeiture of pay or pension, or any other punishment which shall accord with the usage of the service: No sentence of death by a court-martial shall pass unless two thirds at least of the officers present shall concur therein; no sentence of penal servitude shall be for a period of less than five years; and no sentence of imprisonment shall be for a period longer than two years.

Powers of district or garrison courts-martial.

9. Every district or garrison court-martial convened within the United Kingdom or the British Isles shall consist of not less than seven commissioned officers, and shall have the same power as a general court-martial to sentence any soldier to such punishments as shall accord with the provisions of this Act: Provided always, that no such district or garrison court-martial shall have power to try a commissioned officer, or to pass any sentence of death or penal servitude.

Powers of regimental or detachment courts-martial.

10. A regimental or detachment court-martial shall consist of not less than five commissioned officers, unless it is found to be impracticable to assemble that number, in which case three shall be sufficient, and shall have power to sentence any soldier to corporal punishment, or to imprisonment, and to forfeiture of pay, in such manner as shall accord with the provisions of this Act.

Courts-martial on line of march or in troop ships, &c.

11. In cases of mutiny, and insubordination accompanied with personal violence, or other offences committed on the line of march, or on board any transport ship, convict ship, merchant vessel, or troop ship, not in commission, the offender may be tried by a regimental or detachment court-martial, and

the sentence may be confirmed and carried into execution on the spot by the officer in the immediate command of the troops, provided that the sentence shall not exceed that which a regimental court-martial is competent to award.

Powers of detachment general courts-martial.

12. It shall be lawful for any officer commanding any detachment or portion of troops serving in any place beyond seas where it may be found impracticable to assemble a general court-martial, upon complaint made to him of any offence committed against the property or person of any inhabitant of or resident in any country in which such troops are so serving by any person serving with or belonging to Her Majesty's armies, being under the immediate command of any such officer, to convene a detachment general court-martial, which shall consist of not less than three commissioned officers, for the purpose of trying any such person; and every such court-martial shall have the same powers in regard to sentence upon offenders as are granted by this Act to general courts-martial: Provided always, that no sentence of any such court-martial shall be executed until the general commanding the army of which such detachment or portion forms part shall have approved and confirmed the same.

As to swearing and summoning of witnesses.

13. All general and other courts-martial shall administer an oath to every witness or other person who shall be examined before such court in any matter relating to any proceeding before the same; and every person, as well civil as military, who may be required to give or produce evidence before a court-martial, shall, in the case of general courts-martial, be summoned by the judge advocate general, or his deputy, or the person officiating as judge advocate, and in the case of all other courts-martial by the president of the court; and all persons so summoned and attending as witnesses before any court-martial shall, during their necessary attendance in or on such courts, and in going to and returning from the same, be privileged from arrest, and shall, if unduly arrested, be discharged by the court out of which the writ or process issued by which such witness was arrested, or if such court be not sitting, then by any judge of the superior courts of Westminster or Dublin, or of the Court of Session in Scotland, or of the courts of law in the East or West Indies, or elsewhere, according as the case shall require, upon its being made to appear to such court or judge, by any affidavit in a summary way, that such witness was arrested in going to or attending upon or returning from such court-martial; and all witnesses so duly summoned as aforesaid who shall not attend on such courts, or attending shall refuse to be sworn, or being sworn shall refuse to give evidence, or not produce the documents under their power or control required to be produced by them, or to answer all such questions as the court may legally demand of them, shall be liable to be attached in the Court

of Queen's Bench in London or Dublin, or in the Court of Session or sheriff or stewart courts in Scotland, or in courts of law in the East or West Indies, or in any of Her Majesty's colonies, garrisons, or dominions in Europe or elsewhere respectively, upon complaint made, in like manner as if such witness, after having been duly summoned or subpœnaed, had neglected to attend upon a trial in any proceeding in the court in which such complaint shall be made: It shall be lawful for the president of any court-martial to administer an oath to a shorthand writer to take down, according to the best of his power, the evidence to be given before the court.

Oath to be administered to shorthand writer.

No second trial for the same offence, but revision may be allowed.

14. No officer or soldier who shall be acquitted or convicted of any offence shall be liable to be tried a second time by the same or any other court-martial for the same offence; and no finding, opinion, or sentence given by any court-martial, and signed by the president thereof, shall be revised more than once, nor shall any additional evidence in respect of any charge on which the prisoner then stands arraigned be received by the court on any revision.

Crimes punishable with death.

15. If any person subject to this Act shall at any time during the continuance of this Act begin, excite, cause, or join in any mutiny or sedition in any forces belonging to Her Majesty's army, or Her Majesty's royal marines, or shall not use his utmost endeavours to suppress the same, or shall conspire with any other person to cause a mutiny, or coming to the knowledge of any mutiny or intended mutiny shall not, without delay, give information thereof to his commanding officer; or shall hold correspondence with or give advice or intelligence to any rebel or enemy of Her Majesty, either by letters, messages, signs, or tokens, in any manner or way whatsoever; or shall treat or enter into any terms with such rebel or enemy without Her Majesty's license, or license of the general or chief commander; or shall misbehave himself before the enemy; or shall shamefully abandon or deliver up any garrison, fortress, post, or guard committed to his charge, or which he shall have been commanded to defend; or shall compel the governor or commanding officer of any garrison, fortress, or post to deliver up to the enemy or to abandon the same; or shall speak words or use any other means to induce such governor or commanding officer, or others, to misbehave before the enemy, or shamefully to abandon or deliver up any garrison, fortress, post, or guard committed to their respective charge, or which he or they shall be commanded to defend; or shall desert Her Majesty's service; or shall leave his post before being regularly relieved; or shall sleep on his post; or shall strike or shall use or offer any violence against his superior officer, being in the execution of his office, or shall disobey any lawful command of his superior officer; or who being confined in a military prison shall offer any violence

against a visitor or other his superior military officer, being in the execution of his office; all and every person and persons so offending in any of the matters before mentioned, whether such offence be committed within this realm or in any other of Her Majesty's dominions, or in foreign parts, upon land or upon the sea, shall suffer death, or penal servitude, or such other punishment as by a court-martial shall be awarded: Provided always, that any non-commissioned officer or soldier attested for or in pay in any regiment or corps who shall, without having first obtained a regular discharge therefrom, enlist himself in Her Majesty's army, may be deemed to have deserted Her Majesty's service, and shall be liable to be punished accordingly.

Judgment of death may be commuted for penal servitude or other punishments.

16. In all cases where the punishment of death shall have been awarded by a general court-martial or detachment general court-martial it shall be lawful for Her Majesty, or, if in any place out of the United Kingdom or British Isles, for the commanding officer having authority to confirm the sentence, instead of causing such sentence to be carried into execution, to order the offender to be kept in penal servitude for any term not less than five years, or to suffer such term of imprisonment, with or without hard labour, and with or without solitary confinement, as shall seem meet to Her Majesty, or to the officer commanding as aforesaid.

Embezzlement, &c. of stores punishable by penal servitude, or by fine, imprisonment, &c.

17. Any officer or soldier of Her Majesty's army, or any person employed in the War Department, or in any way concerned in the care or distribution of any money, provisions, forage, arms, clothing, ammunition, or other stores belonging to Her Majesty's army or for Her Majesty's use, who shall embezzle, fraudulently misapply, wilfully damage, steal, or receive the same, knowing them to have been stolen, or shall be concerned therein or connive thereat, may be tried for the same by a general court-martial, and sentenced to be kept in penal servitude for any term not less than five years, or to suffer such punishment of fine, imprisonment with or without hard labour, dismissal from Her Majesty's service, reduction to the ranks if a warrant or non-commissioned officer, as such court shall think fit, according to the nature and degree of the offence; and every such offender shall, in addition to any other punishment, make good at his own expense the loss and damage sustained, and in every such case the court is required to ascertain by evidence the amount of such loss or damage, and to declare by their sentence that such amount shall be made good by such offender; and the loss and damage so ascertained as aforesaid shall be a debt to Her Majesty, and may be recovered in any of Her Majesty's courts at Westminster or in Dublin, or the Court of Exchequer in Scotland, or in any court in Her Majesty's colonies, or in India, where the person sentenced by such court-martial shall be resident,

after the said judgment shall be confirmed and made known, or the offender, if he shall remain in the service, may be put under stoppages not exceeding one half of his pay and allowances until the amount so ascertained shall be recovered.

As to execution of sentences of penal servitude in the United Kingdom.

18. Whenever Her Majesty shall intend that any sentence of penal servitude heretofore or hereafter passed upon any offender by any court-martial shall be carried into execution for the term specified in such sentence or for any shorter term, or shall be graciously pleased to commute as aforesaid to penal servitude any sentence of death passed by any such court, the sentence, together with Her Majesty's pleasure thereupon, shall be notified in writing by the officer commanding in chief Her Majesty's army in Great Britain and Ireland, or by the adjutant general, or by the Secretary of State for the War Department, to any judge of the Queen's Bench, Common Pleas, or Exchequer in England or Ireland, and thereupon such judge shall make an order for the penal servitude of such offender in conformity with such notification, and shall do all such other acts consequent upon such notification as such judge is authorised to do by any Act in force touching the penal servitude of other offenders; and it shall be lawful for any judge of the Queen's Bench, Common Pleas, or Exchequer in Ireland to make an order that any such offender convicted in Ireland shall be kept in penal servitude in England; and such order shall be in all respects as effectual in England as though such offender had been convicted in England, and the order had been made by any judge of the Queen's Bench, Common Pleas, or Exchequer in England; and the person in whose custody such offender shall at that time be, and all other persons whatsoever whom the said order may concern, shall be bound to obey and shall be assistant in the execution thereof, and shall be liable to the same punishment for disobedience to or for interrupting the execution of such order as if the order had been made under the authority of any such Act as aforesaid; and every person so ordered to be kept in penal servitude shall be subject to every provision made by law and in force concerning persons under sentence of penal servitude; and from the time when such order of penal servitude shall be made every Act in force touching the escape of felons, or their afterwards returning or being at large without leave, shall apply to such offender, and to all persons aiding and abetting, contriving or assisting in any escape or intended escape or returning without leave of any such offender; and the judge who shall make any order of penal servitude as aforesaid shall direct the notification of Her Majesty's pleasure, and his own order made thereupon, to be filed and kept of record in the office of the Clerk of the Crown of the Court of Queen's Bench; and the said clerk shall have a fee of two shillings and sixpence only for filing the same, and shall, on application, deliver a certificate in writing

(not taking more than two shillings and sixpence for the same) to such offender or to any person applying in his or Her Majesty's behalf, showing the Christian and surname of such offender, his offence, the place where the court was held before which he was convicted, and the conditions on which the order of penal servitude was made; which certificate shall be sufficient proof of the conviction and sentence of such offender, and also of the terms on which such order for his penal servitude was made, in any court and in any proceeding wherein it may be necessary to inquire into the same.

As to execution of sentences of penal servitude in the colonies, India, or elsewhere out of Her Majesty's dominions.

19. Whenever any sentence of penal servitude heretofore or hereafter passed upon any offender by any court-martial holden in any part of Her Majesty's foreign dominions, or elsewhere beyond the seas, is to be carried into execution for the term specified in such sentence or for any shorter term, or when sentence of death passed by any such court-martial has been or shall as aforesaid be commuted to penal servitude, the same shall be notified by the officer commanding Her Majesty's forces at the presidency or station where the offender may come or be, or in his absence by the adjutant general for the time being, if in India to the chief judge or any judge of the chief civil court of the presidency or province where the offender may come or be, and if in any other part of Her Majesty's dominions to the chief justice or some other judge therein, and such judge shall make order for the intermediate custody and penal servitude of such offender; and the offender shall, until handed over in pursuance of any such order to the civil authorities, be detained in military custody, and may be moved in such custody from place to place as circumstances may require; and upon any such order being made it shall be duly notified to the governor of the presidency if in India, or to the governor of the colony if in any of Her Majesty's colonies, or to the person who shall for the time being be exercising the office of governor of such presidency or colony, who, on receipt of such notification, shall cause such offender to be removed or sent to some other colony or place, or to undergo his sentence within the presidency or colony where the offender was so sentenced, or where he may come or be as aforesaid, in obedience to the directions for the removal and treatment of convicts which shall from time to time be transmitted from Her Majesty through one of her Principal Secretaries of State to such presidency or colony; and such offender shall according to such directions undergo the sentence of penal servitude which shall have been passed upon him either in the presidency or colony in which he has been so sentenced, or in the colony or place to which he has been so removed or sent, and whilst such sentence shall remain in force shall be liable to be imprisoned, and kept to hard labour, and otherwise dealt with under such sentence, in the same manner as if he had been

sentenced to be imprisoned with hard labour during the term of his penal servitude by the judgment of a court of competent jurisdiction in such presidency or colony, or in the colony or place to which he has been so removed or sent respectively; and elsewhere out of Her Majesty's dominions the officer commanding shall have power to make an order in writing for the penal servitude or intermediate custody of such offender; and such offender shall be liable by virtue of such order to be imprisoned, and kept to hard labour, and otherwise dealt with under the sentence of the court, in the same manner as if he had been sentenced to be imprisoned with hard labour during the term of his penal servitude by the judgment of a court of competent jurisdiction in the place where he may be ordered to be kept in such intermediate custody, or in the place to which he may be removed for the purpose of undergoing his sentence of penal servitude. If any prisoner shall be brought to any place in the United Kingdom there to undergo any sentence of penal servitude which has been passed upon him by a court-martial held elsewhere, and the judge's or officer's order herein-before prescribed for his penal servitude and intermediate custody shall not be forthcoming, and the judge advocate general, upon application for that purpose, shall certify that it appears from the original proceedings of the court-martial whereby the prisoner was tried that he has been duly sentenced to penal servitude, and that for anything that appears to the contrary thereon such sentence is still in force against the said prisoner for the period to be stated in such certificate, then it shall be lawful for one of Her Majesty's Principal Secretaries of State, upon consideration of such certificate, to direct, in writing under his hand, that the said prisoner shall be at once removed to a convict prison, and be imprisoned and kept to hard labour according to the sentence stated in such certificate, and thereupon the prisoner shall be removed to such convict prison, and shall be liable to be imprisoned and kept to hard labour, and be otherwise dealt with during the term of his sentence, as if he had been sentenced to a like term of penal servitude by a competent court in the United Kingdom.

A sentence of penal servitude may be commuted for imprisonment, &c.

20. In any case where a sentence of penal servitude shall have been awarded by a general or detachment general court-martial it shall be lawful for Her Majesty, or, if in any place out of the United Kingdom or British Isles, for the officer commanding in chief Her Majesty's forces there serving, instead of causing such sentence to be carried into execution, to order that the offender be imprisoned, with or without hard labour, and with or without solitary confinement, for such term not exceeding two years as shall seem meet to Her Majesty, or to the officers commanding as aforesaid.

Of forfeitures, when combined

21. Where an award of any forfeiture, or of deprivation of pay or of stoppages of pay, shall have been added to any

sentence of penal servitude, it shall be lawful for Her Majesty, or, if in any place out of the United Kingdom or British Isles, for the officer commanding in chief Her Majesty's forces there serving, in the event of the sentence being commuted for imprisonment, to order such award of forfeiture, deprivation of pay, or stoppages of pay to be enforced, mitigated, or remitted, as may be deemed expedient.

with penal servitude.

22. No court-martial shall, for any offence whatever committed under this Act during the time of peace within the Queen's dominions, have power to sentence any soldier to corporal punishment; provided, that any court-martial may sentence any soldier to corporal punishment while on active service in the field, or on board any ship not in commission, for mutiny, insubordination, desertion, drunkenness on duty or on the line of march, disgraceful conduct, or any breach of the Articles of War; and no sentence of corporal punishment shall exceed fifty lashes.

Courts-martial may not sentence to corporal punishment in time of peace.

23. It shall be lawful for any general, district, or garrison court-martial, in addition to any sentence of corporal punishment, to award imprisonment, with or without hard labour, and with or without solitary confinement, such confinement not exceeding the periods prescribed by the Articles of War.

Power to inflict corporal punishment and imprisonment.

24. In all cases in which corporal punishment shall form the whole or part of the sentence awarded by any court-martial it shall be lawful for Her Majesty, or for the general or other officer authorised to confirm the sentences of courts-martial, to commute such corporal punishment to imprisonment for any period not exceeding forty-two days, with or without hard labour, and with or without solitary confinement, or to mitigate such sentence, or instead of such sentence to award imprisonment for any period not exceeding twenty days, with or without hard labour, and with or without solitary confinement and corporal punishment, to be inflicted in the prison, not exceeding twenty-five lashes, and the solitary confinement herein-before mentioned shall in no case exceed seven days at a time, with intervals of not less than seven days between each period of such confinement.

Power to commute corporal punishment for imprisonment, &c.

25. It shall be lawful for Her Majesty in all cases whatsoever, instead of causing a sentence of cashiering to be put in execution, to order the offender to be reprimanded, or, in addition thereto, to suffer such loss of army or regimental rank, or both, as may be deemed expedient.

Power to commute a sentence of cashiering.

26. A general, garrison, or district court-martial may sentence any soldier to imprisonment, with or without hard labour, and with or without solitary confinement, but such solitary confinement shall not exceed the periods prescribed by the Articles of War.

Power of imprisonment by general, garrison, or district courts-martial.

Power of imprisonment by regimental or detachment courts-martial.

27. Any regimental or detachment court-martial may sentence any soldier to imprisonment, with or without hard labour, for any period not exceeding forty-two days, and with or without solitary confinement not exceeding the periods prescribed by the Articles of War.

As to imprisonment of offenders already under sentence.

28. Whenever sentence shall be passed by a court-martial on an offender already under sentence either of imprisonment or of penal servitude, the court may award a sentence of imprisonment or penal servitude for the offence for which he is under trial, to commence at the expiration of the imprisonment or penal servitude to which he shall have been so previously sentenced, although the aggregate of the terms of imprisonment or penal servitude respectively may exceed the term for which any of those punishments could be otherwise awarded. Whenever Her Majesty, or any general or other officer authorised to confirm the sentences of courts-martial, shall commute as sentence of penal servitude or corporal punishment to imprisonment, and the offender whose sentence shall be so commuted shall, at the time of such commutation, be under sentence of imprisonment or penal servitude, it shall be lawful for Her Majesty, or the general or other officer who shall so commute such sentence, to direct that such commuted sentence of imprisonment shall commence at the expiration of the imprisonment or penal servitude to which such prisoner shall have been so previously sentenced, although the aggregate of the term of imprisonment or penal servitude respectively may exceed the term for which any of those punishments could be otherwise awarded.

Regulations as to military prisons.

29. It shall be lawful for the Secretary of State for the War Department, and in India for the Governor General in Council, to set apart any buildings now erected or which may hereafter be erected, or any part or parts thereof, as military prisons, and to declare that any building or any two or more buildings shall be, and thenceforth such building or buildings shall be deemed and taken to be, a military prison; and every military prison which, under the provisions of any former Act of Parliament, has been or which shall be so as aforesaid set apart and declared, shall be deemed to be a public prison within the meaning of this Act; and all and every the powers and authorities with respect to county gaols or houses of correction which now are or which may hereafter be vested in any of Her Majesty's Principal Secretaries of State shall, with respect to all such military prisons, belong to and may be exercised by the Secretary of State for the War Department, and in India by the Governor General in Council; and it shall be lawful for the said Secretary of State, and in India for the Governor General in Council, from time to time to make, alter, and repeal rules and regulations for the government and superintendence of any such military prison, and of the governor,

provost marshal, officers, and servants thereof, and of the offenders confined therein, which said rules and regulations so made as aforesaid shall remain and continue to be in force until the same are altered or repealed by Her Majesty's said Secretary of State for War, or in India by the Governor General in Council; and it shall be lawful for the said Secretary of State, and in India for the Governor General in Council, from time to time to appoint an inspector general and inspectors of military prisons, and a governor, or provost marshal, and all other necessary officers and servants for any such military prison, and, as occasion may arise, to remove the governor or provost marshal, officer or servant of any such military prison; and the general or other officer commanding any district or station within which may be any such military prison, or such general or other officer, and such other person or persons as the said Secretary of State, and in India the Governor General in Council, may from time to time appoint, shall be a visitor or visitors of such prison; and the said Secretary of State, and in India the Governor General in Council, may authorise any general officer commanding to appoint periodically visitors to any military prison within his command; and the said Secretary of State, and in India the Governor General in Council or the general officer so appointing, shall transmit to the visitor or visitors of every military prison established by his authority a copy of the rules and regulations which are to be observed and enforced, and the same shall accordingly be observed and enforced, within such prison; and every inspector, visitor, and governor of any such military prison shall, subject to such rules and regulations as may from time to time be made by the said Secretary of State, or in India by the Governor General in Council, have and exercise in respect of such prison, and of the governor, officers, and servants thereof, and of the prisoners confined therein, all the powers and authorities, as well in respect of administering oaths as otherwise, which any inspector, visiting justice, or governor of a county gaol or house of correction may respectively exercise as such: Provided that every inspector of such military prisons, who is also a director of convict prisons, shall have the same power in such military prisons as he has in convict prisons.

As to the custody of military offenders under sentence of court-martial and in other cases.

30. Every governor, provost marshal, gaoler, or keeper of any public prison or of any gaol or house of correction in any part of Her Majesty's dominions shall receive into his custody any military offender under sentence of imprisonment by a court-martial, upon delivery to him of an order in writing in that behalf from the general commanding in chief, or the adjutant general, or the officer who confirmed the proceedings of the court, or the officer commanding the regiment or corps to which the offender belongs or is attached, which order shall

specify the offence of which he shall have been convicted, and the sentence of the court, and the period of imprisonment which he is to undergo, and the day and hour of the day on which he is to be released; and such governor, provost marshal, gaoler, or keeper shall keep such offender in a proper place of confinement, with or without hard labour, and with or without solitary confinement, according to the sentence of the court and during the time specified in the said order, or until he be discharged or delivered over to other custody before the expiration of that time under an order duly made for that purpose; and whenever troops are called out in aid of the civil power, or are stationed in billets, or are on the line of march, every governor, provost marshal, gaoler, or keeper of any public prison, gaol, house of correction, lock-up house, or other place of confinement, shall receive into his custody any soldier for a period not exceeding seven days, upon delivery to him of an order in writing on that behalf from the officer commanding such troops.

As to the removal or discharge of prisoners in certain cases.

31. In the case of a prisoner undergoing imprisonment under the sentence of a court-martial in any public prison other than the military prisons set apart by the authority of this Act, or in any gaol or house of correction in any part of the United Kingdom, it shall be lawful for the general commanding in chief, or the adjutant general, or the officer who confirmed the proceedings of the court, or the officer commanding the district or garrison in which such prisoner may be, to give, as often as occasion may arise, an order in writing directing that the prisoner be discharged, or be delivered over to military custody, whether for the purpose of being removed to some other prison or place in the United Kingdom, there to undergo the remainder or any part of his sentence, or for the purpose of being brought before a court-martial either as a witness or for trial; and in the case of a prisoner undergoing imprisonment or penal servitude under the sentence of a court-martial in any public prison other than such military prison as aforesaid, or in any gaol or house of correction in any part of Her Majesty's dominions other than the United Kingdom, it shall be lawful for the general commanding in chief or the adjutant general of Her Majesty's forces in the case of any such prisoner, and for the Commander-in-Chief in India in the case of any prisoner so confined in any part of Her Majesty's Indian dominions, and for the general commanding in chief in any presidency in India in the case of a prisoner so therein confined, and for the officer commanding in chief or the officer who confirmed the proceedings of the court at any foreign station in the case of a prisoner so there confined, to give, as often as occasion may arise, an order in writing directing that the prisoner be discharged or be delivered over to military custody, whether for the purpose of

being removed to some other prison or place in any part of Her Majesty's dominions, there to undergo the remainder or any part of his sentence, or for the purpose of being brought before a court-martial either as a witness or for trial; and in the case of any prisoner who shall be removed by any such order from any such prison, gaol, or house of correction either within the United Kingdom or elsewhere to some other prison or place either in the United Kingdom or elsewhere, the officer who gave such order shall also give an order in writing directing the governor, provost marshal, gaoler, or keeper of such other prison or place to receive such prisoner into his custody, and specifying the offence of which such prisoner shall have been convicted, and the sentence of the court, and the period of imprisonment which he is to undergo, and the day and the hour on which he is to be released; and such governor, provost marshal, gaoler, or keeper shall keep such offender in a proper place of confinement, with or without hard labour, and with or without solitary confinement, according to the sentence of the court, and during the time specified in the said order, or until he be duly discharged or delivered over to other custody before the expiration of that time under an order duly made for that purpose; and in the case of a prisoner undergoing imprisonment or penal servitude under the sentence of a court-martial in any military prison in any part of Her Majesty's dominions, the Secretary of State for the War Department, or the general officer commanding the district or station in which the prison may be situated, shall have the like powers in regard to the discharge and delivery over of such prisoners to military custody as may be lawfully exercised by any of the military authorities above mentioned in respect of any prisoners undergoing confinement as aforesaid in any public prison other than a military prison, or in any gaol or house of correction in any part of Her Majesty's dominions; and such prisoner in any of the cases herein-before mentioned shall accordingly, on the production of any such order as is herein-before mentioned, be discharged or delivered over, as the case may be: Provided always, that the time during which any prisoner under sentence of imprisonment by a court-martial shall be detained in such military custody under such order as aforesaid shall be reckoned as imprisonment under the sentence, for whatever purpose such detention shall take place; and such prisoner may during such time, either when on board ship or otherwise, be subjected to such restraint as is necessary for his detention and removal.

Provision for subsistence.

32. The gaoler or keeper of any public prison, gaol, house of correction, lock-up house, or other place of confinement in any part of Her Majesty's dominions shall diet and supply every soldier imprisoned therein under the sentence of a court-martial or as a deserter with fuel and other necessaries

according to the regulations of such place of confinement, and shall receive on account of every soldier, out of the subsistence of such soldier during the period of his imprisonment, in Great Britain and Ireland, one shilling per diem, and in other parts of Her Majesty's dominions such sum as the Secretary of State may order: In all cases where such soldier is sentenced to be discharged or is ordered by the military authorities to be discharged from the army on the completion of his term of imprisonment, the Secretary of State for the War Department may cause to be issued out of army votes, upon application in writing, signed by any justice within whose jurisdiction such place of confinement shall be locally situated, together with a copy of the order of commitment, a further sum not exceeding sixpence per diem, and all of which said sums shall be carried to the credit of the fund from which the expense of such place of confinement is defrayed. A sentence of imprisonment or of penal servitude passed either by a court-martial or by any court of criminal jurisdiction upon any person subject to this Act, shall be in no respect affected by such person ceasing to be subject to this Act by discharge or otherwise at any time: Provided, that for each person so ceasing to be subject to this Act, the Secretary of State for the War Department may cause to be issued out of army votes, upon application in writing, signed by any justice as aforesaid, together with a copy of the order of commitment, a sum not exceeding one shilling and sixpence per diem, which said sum shall be carried to the credit of the fund from which the expense of such place of confinement is defrayed.

In India the expenses incurred under the provisions of this section shall be paid in the same manner as the other expenses of such prison, or as may be provided by the laws or regulations to be made in that behalf.

Expiration of imprisonment of soldiers in common gaols.

33. Every gaoler or keeper of any public prison, gaol, house of correction, or other place of confinement, to whom any notice shall have been given, or who shall have reason to know or believe, that any person in his custody for any offence, civil or military, is a soldier liable to serve Her Majesty on the expiration of his imprisonment, shall forthwith, or as soon as may be, give, if in Great Britain, to the Secretary of State for the War Department, and if in Ireland to the general commanding Her Majesty's forces in Ireland, or if in India to the adjutant general of the army, or to the nearest military authority with whom it may be convenient to communicate, notice of the day and hour on which the imprisonment of such person will expire; and every such gaoler or keeper is hereby required to use his best endeavours to ascertain and report in all cases where practicable the particular regiment or corps, battalion of a regiment or battery of artillery, to which such soldier belongs, and also whether

he belongs to the depôt or the head quarters of his regiment; and in the event of his being a recruit who has not joined, that it may be so stated in his report, together with the name of the place where the man enlisted. In all cases where the soldier in custody is under sentence to be discharged from the service on the completion of his term of imprisonment, and the discharge document is in the hands of the gaoler, such gaoler shall not be required to make any report thereof to the Secretary of State for War, or to the military authorities herein-before referred to.

Apprehension of deserters in the United Kingdom.

34. Upon reasonable suspicion that a person is a deserter it shall be lawful for any constable, or if no constable can be immediately met with, then for any officer or soldier in Her Majesty's service, or other person, to apprehend or cause to be apprehended such suspected person, and forthwith to bring him or cause him to be brought before any justice living in or near the place where he was so apprehended and acting for the county, city, district, place, or borough wherein such place is situate, or for the county adjoining such first-mentioned county or such borough; and such justice is hereby authorised and required to inquire whether such suspected person is a deserter, and from time to time to defer the said inquiry and to remand the said suspected person in the manner prescribed by an Act passed in the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-two, section twenty-one, and subject to every provision therein contained; and if it shall appear to the satisfaction of such justice by the testimony of one or more witnesses taken upon oath, or by the confession of such suspected person, confirmed by some corroborative evidence upon oath or by the knowledge of such justice, that such suspected person is a deserter, such justice shall forthwith cause him to be conveyed in civil custody to the head quarters of the regiment or depôt to which he belongs, or to the nearest military station, or to the nearest or most convenient prison, police station, or other place legally provided, for the temporary confinement of persons in custody, or delivered to a party of soldiers in charge of a non-commissioned officer as to him may seem most expedient, having regard to the safe custody of such deserter; and such justice shall also send to the said Secretary of State for War a report stating the names of the persons by whom or by or through whose means the deserter was apprehended and secured; and the said Secretary of State shall transmit to such justice an order for the payment to such persons of such sum not exceeding forty shillings as the said Secretary of State shall be satisfied they are entitled to according to the true intent and meaning of this Act; and for such information, commitment, and report as aforesaid the clerk of the said justice shall be entitled to a fee of two shillings and no more; and every

gaoler and other person into whose custody any person charged with desertion is committed shall immediately upon the receipt of the person so charged into his custody pay such fee of two shillings, and shall notify the fact to the Secretary of State for the War Department, and transmit also to the said Secretary of State a copy of the commitment, to the end that such Secretary of State may order repayment of such fees; and when any such person shall be apprehended and committed as a deserter in any part of Her Majesty's foreign dominions the justice shall forthwith cause him to be conveyed to some public prison, if the regiment or corps to which he is suspected to belong shall not be in such part, or, if the regiment or corps be in such part, the justice may deliver him into custody at the nearest military post if within reasonable distance, although the regiment to which such person is suspected to belong may not be stationed at such military post; the justice shall in every case transmit, if in the United Kingdom to the Secretary of State for War, and if out of the United Kingdom to the general or other officer commanding, a descriptive return in the form prescribed in the schedule to this Act annexed, to the end that such person may be dealt with according to law; and such descriptive return purporting to be duly made and subscribed in accordance with the Act shall, in the absence of proof to the contrary, be deemed sufficient evidence of the facts and matters therein stated: Provided always, that any such person so committed as a deserter in any part of Her Majesty's dominions shall, subject to the provisions herein-after contained, be liable to be transferred by order of the general or other officer commanding to serve in any regiment or corps or depôt nearest to the place where he shall have been apprehended, or to any other regiment or corps to which it may be desirable that he should be transferred, and shall also be liable after such transfer of service to be tried and punished as a deserter.

In Her Majesty's foreign dominions.

Transfer of deserters.

As to the temporary custody of deserters in gaols.

35. Every gaoler or keeper of any public prison, gaol, house of correction, lock-up house, or other place of confinement in any part of Her Majesty's dominions is hereby required to receive and confine therein every deserter who shall be delivered into his custody by any soldier or other person conveying such deserter under lawful authority, on production of the warrant of the justice of the peace on which such deserter shall have been taken, or some order from the office of the Secretary of State for the War Department, which order shall continue in force until the deserter shall have arrived at his destination; and such gaoler or keeper shall be entitled to one shilling for the safe custody of the said deserter while halted on the march, and to such subsistence for his maintenance as shall be directed by Her Majesty's regulations.

36. Any recruit for Her Majesty's army who, having been attested or received pay other than enlisting money, shall desert before joining the regiment or corps for which he has enlisted, shall, on being apprehended, and committed for such desertion by any justice of the peace upon the testimony of one or more witnesses upon oath, or upon his own confession, forfeit his personal bounty and be liable to be transferred to any regiment or corps or depôt nearest to the place where he shall have been apprehended, or to any other regiment or corps to which Her Majesty may deem it more desirable that he should be transferred: Provided always, that such deserters thus transferred shall not be liable to other punishment for the offence, or to any other penalty except the forfeiture of their personal bounty.

Desertion of recruits prior to joining their regiments or corps.

37. Any person who shall confess himself to be a deserter from Her Majesty's forces, or from the embodied militia, shall be liable to be taken before any two justices of the peace acting for the county, district, city, burgh, or place where any such person shall at any time happen to be when he shall be brought before them, and on proof that any such confession as aforesaid was false shall by the said justices be adjudged to be punished, if in England, as a rogue and vagabond, and if elsewhere by commitment to some prison or house of correction, there to be kept to hard labour for any time not exceeding three calendar months; and if, when such person shall be brought before the said justices, it shall be proved to their satisfaction that such confession has been made, but evidence of the truth or falsehood of such confession shall not at that time be forthcoming, such justices within the United Kingdom are hereby required to remand such person in the manner herein-before mentioned, and to transmit a statement of the case and descriptive return to the Secretary of State for the War Department, with a request to be informed whether such person appears to belong or to have belonged to the regiment or corps from which he shall have so confessed himself to have deserted; and a letter from the War Office in reply thereto, referring to such statement, and purporting to be signed by or on behalf of the Secretary of State for the War Department, shall be admissible in evidence against such person, and shall be deemed to be legal evidence of the facts stated therein, and on the receipt thereof the said justices shall forthwith proceed to adjudicate upon the case. In India the authority herein given to two justices may be exercised by one European justice or magistrate.

Fraudulent confession of desertion.

38. When there shall not be any military officer of rank not inferior to captain, or any adjutant of regular militia, within convenient distance of the place where any non-commissioned officer or soldier on furlough shall be detained by sickness or other casualty rendering necessary any extension

Furlough in case of sickness.

of such furlough, it shall be lawful for any justice who shall be satisfied of such necessity to grant an extension of furlough for a period not exceeding one month; and the said justice shall by letter immediately certify such extension and the cause thereof to the commanding officer of the corps or detachment to which such non-commissioned officer or soldier belongs, if known, and if not then to the agent of the regiment or corps, in order that the proper sum may be remitted to such non-commissioned officer or soldier, who shall not during the period of such extension of furlough be liable to be treated as a deserter: Provided always, that nothing herein contained shall be construed to exempt any soldier from trial and punishment according to the provisions of this Act, for any false representation made by him in that behalf to the said justice, or for any breach of discipline committed by him in applying for and obtaining the said extension of furlough.

No person acquitted or convicted by the civil magistrate or by a jury to be tried by a court-martial for the same offence.

39. No person subject to this Act, having been acquitted or convicted of any crime or offence by the civil magistrate, or by the verdict of a jury, shall be liable to be again convicted for the same crime or offence by a court-martial, or to be punished for the same otherwise than by cashiering in the case of a commissioned officer, or in the case of a warrant officer by reduction to an inferior class or to the rank of a private soldier by order of the Commander-in-Chief, or in the case of an army schoolmaster to discharge from the service, or loss of the whole or any period of his previous service reckoning towards pension on discharge by order of the Commander-in-Chief, or in the case of a non-commissioned officer by reduction to the ranks by order of the Commander-in-Chief or of the colonel, or in the militia by order of the appointed commandant of the regiment or corps; and whenever any officer or soldier shall have been tried by any court of ordinary criminal jurisdiction, the clerk of such court or other officer having the custody of the records of such court or the deputy of such clerk, shall, if required by the officer commanding the regiment or corps to which such officer or soldier shall belong, transmit to him a certificate setting forth the offence of which the prisoner was convicted, together with the judgment of the court thereon if such officer or soldier shall have been convicted, or of the acquittal of such officer or soldier, and shall be allowed for such certificate a fee of three shillings.

Soldiers liable to be taken out of Her Majesty's service only for felony, misdemeanor, or for debts amounting to 30*l.* and upwards.

40. Any person attested for Her Majesty's army, or serving on the permanent staff of the disembodied militia or volunteers other than as a commissioned officer, shall be liable to be taken out of Her Majesty's service only by process or execution on account of any charge of felony or of misdemeanor, or of any crime or offence other than the misdemeanor of absenting himself from his service, or neglecting

to fulfil his contract, or otherwise misconducting himself respecting the same, or the misdemeanor of refusing to comply with an order of justices for the payment of money, or on account of an original debt proved by affidavit of the plaintiff or of some one on his behalf to amount to the value of thirty pounds at the least, over and above all costs of suit, such affidavit to be sworn, without payment of any fee, before some judge of the court out of which process or execution shall issue, or before some person authorised to take affidavits in such court of which affidavit, when duly filed in such court, a memorandum shall, without fee, be endorsed upon the back of such process, stating the facts sworn to, and the day of filing such affidavit; but no soldier or other person as aforesaid shall be liable by any process whatever to appear before any justice of the peace or other authority whatever, or to be taken out of Her Majesty's service by any writ, summons, warrant, order, judgment, execution, or any process whatsoever issued by or by the authority of any court of law, or any magistrate, justice or justices of the peace, or any other authority whatsoever, for any original debt not amounting to thirty pounds, or for the breach of any contract, covenant, agreement, or other engagement whatever by parol or in writing, or for having left or deserted his employer or master, or his contract, work, or labour, or misconducting himself respecting the same, except in the case of an apprentice, or of an indentured labourer as herein-after described; and all summonses, warrants, commitments, indictments, convictions, judgments, and sentences on account of any of the matters for which it is herein declared that a soldier or other person as aforesaid is not liable to be taken out of Her Majesty's service shall be utterly illegal, and null and void, to all intents and purposes; and any judge of any such court may examine into any complaint made by a soldier or by his superior officer, and by warrant under his hand discharge such soldier, without fee, he being shown to have been arrested contrary to the intent of this Act, and shall award reasonable costs to such complainant, who shall have for the recovery thereof the like remedy as would have been applicable to the recovery of any costs which might have been awarded against the complainant in any judgment or execution as aforesaid, or a writ of Habeas corpus ad subjiciendum shall be awarded or issued, and the discharge of any such soldier out of custody shall be ordered thereupon; provided that any plaintiff, upon notice of the cause of action first given in writing to any soldier, or left at his last quarters, may proceed in any action or suit to judgment, and have execution other than against the body or military necessaries or equipments of such soldier; provided also, that nothing herein contained relating to the leaving or deserting a master or employer, or to the breach of any contract, agreement, or engagement,

Soldiers not liable to be taken out of Her Majesty's service for debts under 30*l.*, or for breach of contract.

shall apply to persons who shall be really and bonâ fide apprentices, duly bound, under the age of twenty-one years, or to indentured labourers, as herein-after prescribed.

Officers not to be sheriffs or mayors, &c.

41. No person who shall be commissioned and in full pay as an officer shall be capable of being nominated or elected to be sheriff of any county, borough, or other place, or to be mayor, portreeve, alderman, or to hold any office in any municipal corporation in any city, borough, or place in Great Britain or Ireland: Provided that the competence or liability of any officer to be nominated to or to hold any of the aforesaid offices shall not be deemed to be affected by reason of the corps to which he belongs being assembled for annual training at the time of his nomination to, or during the period of his tenure of, such office.

Questions to be put to recruits on enlisting.

42. Every person authorised to enlist recruits or to enrol men under any Reserve Force Acts, or to enlist men under any Militia Reserve Acts, shall first ask the person about to be so enlisted or enrolled whether he belongs to any and what force in Her Majesty's service, and also such other questions as the proper authorities may direct to be put to such persons, and in case of a recruit shall immediately after giving him enlisting money serve him with a notice in the form ordered by the Secretary of State for the War Department to be used.

Recruits, when deemed to be enlisted.

43. Every person who shall receive enlisting money in manner aforesaid, knowing it to be such, shall, subject to the provisions herein-after contained, upon such receipt be deemed to be enlisted as a soldier in Her Majesty's service, and while he shall remain with the recruiting party shall be entitled to be billeted.

When recruits to be taken before a justice.

44. Every person so enlisted as aforesaid shall, within ninety-six hours (any intervening Sunday, Christmas Day, or Good Friday not included) but not sooner than twenty-four hours after such enlistment, appear, together with some person employed in the recruiting service, before a justice of the peace, not being an officer of the army, for the purpose of being attested as a soldier, or of objecting to his enlistment.

Dissent and relief from enlistment.

45. When a recruit upon appearing before a justice for the purposes aforesaid shall dissent from or object to his enlistment, and shall satisfy the justice that the same was effected in any respect irregularly, he shall forthwith discharge the recruit absolutely, and shall report such discharge to the inspecting field officer of the district, or in the case of a recruit enlisted at the head quarters or depôt of a regiment to the officer commanding the same; but if the recruit so dissenting shall not allege or shall not satisfy the justice that the enlistment was effected irregularly, nevertheless, upon repayment of the enlisting money, and of any sum received

by him in respect of pay or allowances, and of a further sum of twenty shillings as smart money, he will be entitled to be discharged, and the sum paid by such recruit upon his discharge shall be kept by the justice, and, after deducting therefrom one shilling as the fee for reporting the payment to the Secretary of State for the War Department and to the inspecting field officer of the district, shall be paid over to any person belonging to the recruiting party who may demand the same; and the justice who shall discharge any recruit shall in every case give a certificate thereof, signed with his hand, to the recruit, specifying the cause thereof.

Attesting of recruits.

46. If the recruit on appearing before a justice shall not dissent from his enlistment, or dissenting shall within twenty-four hours return and state that he is unable to pay the sums mentioned in the last section, he shall be attested as follows: the justice, or some person deputed by him, shall read to the recruit the questions set forth in the form of attestation ordered by the Secretary of State for the War Department to be used, cautioning him that if he fraudulently make any false answer thereto he shall be liable to be punished as a rogue and a vagabond; and the answers of the recruits shall be recorded opposite to the said questions, and the justice shall require the recruit to make and sign the declaration in the said form, and shall then administer to him the oath of allegiance in the said form; and when the recruit shall have signed the said declaration, and taken the said oath, the justice shall attest the same by his signature, and shall deliver to the recruiting officer the declaration so signed and attested; and the fee for such attestation, including the declaration and oath, shall be one shilling and no more; and any recruit shall, if he so wish, be furnished with a certified copy of the above-mentioned declaration by the officer who finally approved of him for the service.

Recruits, until they have been attested or received pay, not triable by court-martial, but in certain cases punishable as rogues and vagabonds.

47. No recruit, unless he shall have been attested or shall have received pay other than enlisting money, shall be liable to be tried by court-martial; but if any person previously to his being attested or enrolled shall by means of any false answer obtain enlistment or other money, or shall make any false statement in his declaration, or shall refuse to answer any question duly authorised to be put to him for the purpose of filling up such declaration, or shall refuse or neglect to go before a justice for the purposes aforesaid, or having in the case of a recruit dissented from his enlistment shall wilfully omit to return and pay such money as aforesaid, in any of such cases it shall be lawful for any two justices within the United Kingdom, or for any one justice out of the United Kingdom, acting for the county, district, city, burgh, or place where any such person shall at any time happen to be, to adjudge such person, when he shall be brought before them or

him, if in England, to be a rogue and vagabond, and to sentence him to be punished accordingly, and if in Scotland or Ireland, or elsewhere in Her Majesty's dominions, to be imprisoned with hard labour in any prison or house of correction for any period not exceeding three calendar months.

Attested recruits triable in some cases either before two justices or before a court-martial.

48. Any person who shall have been attested or enrolled in the regular army or reserves, and who shall afterwards be discovered to have given any wilfully false answer to any question directed to be put by the proper authorities, or shall have made any wilfully false statement in the declaration herein-before mentioned, shall be liable, at the discretion of the proper military authorities, to be proceeded against before two justices in the manner herein-before mentioned, and by them sentenced accordingly, or to be tried by a district or garrison court-martial for the same, and punished in such manner as such court shall direct; and the declaration made by such person on his attestation or enrolment purporting to be made in accordance with the regulations of the Secretary of State shall, in the absence of proof to the contrary, be deemed sufficient evidence, whether before such justice or justices or before any court-martial, of such person having represented the several particulars as stated in such declaration.

Recruits absconding.

49. If any recruit shall abscond, so that it is not possible immediately to apprehend and bring him before a justice for attestation, the recruiting party shall produce to the justice before whom the recruit ought to have been brought for that purpose a certificate of the name and place of residence and description of such recruit, and of his having absconded, and shall declare the same to be true; and the justice to whom such certificate shall be produced shall transmit a duplicate thereof to the Secretary of State for the War Department, in order that the same may appear in the "Police Gazette." For the purposes of this section and all purposes of attestation and enlistment, a justice of any county or borough shall be deemed to be a justice of any other county or borough.

As to fraudulent re-enlistment.

50. If any man while belonging to any regiment or corps of the regular, reserve, or auxiliary forces, shall, without being discharged by the proper authorities therefrom, enlist or be enrolled or attempt to enlist or be enrolled in any regiment or corps, whether of the regular, reserve, or auxiliary forces, he shall be liable to be tried before a court-martial on a charge for desertion; but it shall be lawful for the Secretary of State for the War Department to give such general directions as may from time to time appear to him necessary for placing any man who confesses himself to be a militiaman under stoppage of one penny a day of his pay for eighteen calendar months, in lieu of his being tried by court-martial; and in the case of a militiaman who shall have belonged to the Militia

Reserve at the time of his attestation for placing him under a further stoppage of one penny a day for two hundred and forty days, and further to give general directions as to the manner in which such stoppages shall be applied, and whether, on making good the same, the man shall be returned to his militia regiment or be deemed to be a soldier in the same manner as if he had not been a militiaman at the time of his attestation: Provided, that every soldier who while belonging to a militia regiment enlisted in Her Majesty's army, whether such enlistment took place before or after the passing of the Mutiny Act, 1860, shall reckon service towards the performance of his limited engagement from the date of his attestation: Provided also, that any such soldier shall not reckon service for pension until the day on which his engagement for the militia would have expired; but if any such soldier shall subsequently to his enlistment have rendered long, faithful, or gallant service, the Secretary of State for War may, upon the special recommendation of the Commander-in-Chief, order that he may reckon service for pension from the date of his attestation. If any non-commissioned officer of the Volunteer permanent staff enlists in Her Majesty's army he may be tried and punished as a deserter, but if he confesses his desertion the Secretary of State for the War Department, instead of causing him to be tried and punished as a deserter, may cause him to be returned to his service on the Volunteer permanent staff, to be there put under stoppages from his pay until he has repaid the amount of any bounty received by him and the expenses attending his enlistment, and also the value of any arms, &c. issued to him while on the Volunteer permanent staff, and not duly delivered up by him; or may cause him to be held to his service in Her Majesty's army, with a direction, if it seems fit, that his time of service therein shall not be reckoned for pension until the time when his engagement on the Volunteer permanent staff would have expired; and may further cause him to be put under stoppages of one penny a day of his pay until he has repaid the expense attending his engagement or attestation on the Volunteer permanent staff, and also the value of any arms, clothing, or appointments issued to him while on the Volunteer permanent staff, and not duly delivered up by him.

Volunteer permanent staff.

The sixth section of the Army Enlistment Act, 1867, and the twelfth section of the Army Enlistment Act of 1870, are hereby repealed. In reckoning the service of a soldier, for the purpose of discharge under either of the above-named Acts, all periods of time shall be excluded during which he has been absent from his duty for any of the following causes: Imprisonment under sentence of a civil court or a court-martial, or detention in respect of trial for an offence of which he is afterwards convicted, desertion or absence without leave exceeding five days or as a prisoner of war, unless it appear to

Rules for reckoning service.

the satisfaction of a court-martial to be summoned on his rejoining Her Majesty's service, that he was not taken prisoner through his own wilful neglect of duty, and that he rejoined as soon as he could and ought to have done.

Punishment of persons offending against laws relating to enlistment.

51. Every person subject to this Act who shall wilfully act contrary to any of its provisions in any matter relating to the enlisting or attesting of recruits for Her Majesty's army shall be liable to be tried for such offence before a general, district, or garrison court-martial, and to be sentenced to such punishments other than death or penal servitude as such courts may award.

Enlistment and re-enlistment, and transfer to another corps abroad.

52. It shall be lawful for any justice of the peace or person exercising the office of a magistrate within any of Her Majesty's dominions abroad, and in any colony for any other person duly authorised in that behalf by the governor or officer administering the government of such colony, and beyond the limits of Her Majesty's dominions for any British consul or person duly exercising the authority of a British consul, and in Her Majesty's dominions in India for any person duly authorised in that behalf by the Governor General or lieutenant governor or other officer administering the government of any presidency, division, or province, and within the territories of any foreign state in India for the person performing the duties of the office of British resident therein, and for any other person duly authorised in that behalf by the Governor General, to enlist and attest or to re-engage within the local limits of their several authorities any soldiers or persons desirous of enlisting or re-engaging in Her Majesty's army; and it shall be lawful, notwithstanding anything contained in the statute twenty-third and twenty-fourth Victoria, chapter one hundred, for any person so authorised in Her Majesty's dominions in India, or within the territories of any foreign state in India, to enlist and attest within the local limits of his authority any persons desirous of enlisting in Her Majesty's Indian forces. Any such magistrate or person as aforesaid shall have the same powers in that behalf as are by this or any other Act of Parliament given to justices in the United Kingdom for all such purposes of enlistment and attestation; but no such magistrate or other person authorised to enlist and attest as above mentioned shall be a general officer or hold any regimental commission; and all such appointments, past and future, and everything done or to be done under them, shall be valid and of full effect, notwithstanding the expiration of this Act or of any other Act of Parliament; and any person so attested shall be deemed to be an attested soldier.

Soldiers willing may be transferred to succeeding corps.

53. When any corps shall be relieved or disbanded at any station beyond the seas it shall be lawful for any officers thereunto authorised by the officer commanding in chief at such

station to receive as transfers as many of the soldiers belonging to the corps leaving the station as shall be willing and fit for service for any corps appointed to remain; and every soldier so transferred is hereby deemed to be discharged from his former corps, and an attested certificate of transfer shall be delivered to the soldier.

Soldiers may be transferred from one service to another.

54. It shall be lawful for the Commander-in-Chief, and on any foreign station for the general or other officer commanding at such station, to direct that any soldier attested for any one branch of the service shall, on the application of his commanding officer, and with his own consent, be transferred to some other branch of the service or to some other regiment or corps in the same branch of the service, either within the United Kingdom, or elsewhere; and every soldier so transferred shall be deemed to be discharged from his former corps, and shall have a certificate of transfer delivered to him: Provided always, that any soldier who may be employed as a warrant officer not holding an honorary commission, or in the corps of armourer sergeants, or the army hospital corps, or the army service corps, shall be liable, by order of the military authorities above mentioned, to be re-transferred to his former corps, or to any other corps on the station on which he is serving at the time, for misconduct, unfitness, or any other reasonable cause: Provided also, that any staff clerk or other non-commissioned officer or soldier on the staff of the army may be transferred to any corps serving at the station at the time of his removal from staff employ: Provided also, that upon the conviction by court-martial of any soldier of the crime of desertion, the officer commanding in chief Her Majesty's forces may, and if the court-martial has been held at a foreign station the officer commanding in chief Her Majesty's forces at such foreign station may, order such soldier to serve in any regiment or corps.

Re-engagement of soldiers for a further term.

55. Any soldier who being in army service has commenced the last year of his first term of enlistment, or who being within three years of the expiration of his first term of enlistment, has been ordered, but has not yet proceeded on foreign service, may, with the approval of his commanding officer, or other competent military authority, and subject to such regulations as may from time to time be made by the Secretary of State, be re-engaged for such a period as shall complete a total period of twenty-one years in Her Majesty's service, reckoning from the time of his first enlistment; and any soldier who has completed a total period of twenty-one years service may, with the approval of the competent military authorities, continue to serve beyond such total period, under the provisions of the tenth section, Army Enlistment Act, 1870; and any person who has been a soldier, and who has received his discharge, may also be so re-engaged upon making a declaration, in the

form ordered by the Secretary of State for the War Department to be used, before any one of Her Majesty's justices of the peace in Great Britain or Ireland, or if not in Great Britain or Ireland before any person duly appointed to enlist and attest out of Great Britain and Ireland any soldiers or persons desirous of enlisting or re-engaging in Her Majesty's service: Provided always, that in reckoning service under the original enlistment or re-engagement of a soldier the boon service granted by the general order of the Governor General of India, dated twelfth of October one thousand eight hundred and fifty-nine, shall be reckoned as actual service, and allowed towards pension and discharge: Provided also, that every soldier now serving who belonged to the garrison which defended Lucknow, or to the garrison which defended the Alumbagh, before the advance of any portion of the forces under the late Lord Clyde in one thousand eight hundred and fifty-seven, shall be allowed to reckon one year's service towards the performance of his limited engagement, and also towards pension on discharge: Provided also, that every soldier who volunteered into Her Majesty's army from any embodied regiment of militia between the thirty-first of December one thousand eight hundred and fifty-five and the twenty-first of March one thousand eight hundred and sixty-one inclusive, or from the disembodied militia during the last week of the training of his regiment in the year one thousand eight hundred and fifty-eight, and who had rendered previous to volunteering six months embodied or disembodied militia service, shall be allowed to reckon towards good-conduct pay and pension, and towards the completion of his limited engagement of service in Her Majesty's army, half the embodied service which he had rendered in the militia after attaining the age of eighteen.

Boon service to be reckoned.

Enlistment of negroes.

56. All negroes or persons of colour who, although not born in any of Her Majesty's colonies, territories, or possessions, shall have voluntarily enlisted into Her Majesty's service, shall, while serving, be deemed to be soldiers legally enlisted into Her Majesty's service, and be entitled to all the privileges of natural-born subjects; and all negroes who have been seized and condemned as prize under the Slave Trade Acts, and appointed to serve in Her Majesty's army, shall be deemed to be and shall be entitled to all the advantages of negroes or persons of colour voluntarily enlisted to serve as soldiers in any of Her Majesty's colonial forces.

Apprentice enlisting to be liable to serve after the expiration of his apprenticeship.

57. Any person duly bound as an apprentice in Great Britain or Ireland, or as an indentured labourer in any of Her Majesty's colonies or possessions abroad, who shall enlist as a soldier in Her Majesty's army, and shall falsely state to the magistrate before whom he shall be carried and attested that he is not an apprentice or indentured labourer as aforesaid, shall be deemed

guilty of obtaining money under false pretences, if in England or in Ireland, or in the colonies or possessions aforesaid, and of falsehood, fraud, and wilful imposition, if in Scotland, and shall after the expiration of his apprenticeship, or of his indenture as a labourer, whether he shall have been so convicted and punished or not, be liable to serve as a soldier in Her Majesty's army according to the terms of the enlistment, and if on the expiration of his apprenticeship, or of his indenture as a labourer, he shall not deliver himself up to some officer authorised to receive recruits, such person may be taken as a deserter from Her Majesty's army; and no master shall be entitled to claim an apprentice or an indentured labourer as aforesaid who shall enlist as a soldier in Her Majesty's army, or shall be serving in the embodied militia, unless he shall, within one calendar month after such apprentice or indentured labourer shall have left his service, go before some justice, and take the oath mentioned in the schedule to this Act annexed, and shall produce the certificate of such justice of his having taken such oath, which certificate such justice is required to give in the form in the schedule to this Act annexed, and unless such apprentice shall have been bound, if in England, for the full term of five years, not having been above the age of fourteen when so bound, and, if in Ireland or in the British Isles, for the full term of five years at the least, not having been above the age of sixteen when so bound, and, if in Scotland, for the full term at least of four years, by a regular contract or indenture of apprenticeship, duly extended, signed, and tested, and binding on both parties by the law of Scotland, prior to the period of enlistment, and unless such contract or indenture in Scotland shall, within three months after the commencement of the apprenticeship, and before the period of enlistment, have been produced to a justice of the peace of the county in Scotland wherein the parties reside, and there shall have been indorsed thereon by such justice a certificate or declaration signed by him specifying the date when and the person by whom such contract or indenture was so produced, which certificate or declaration such justice of the peace is hereby required to indorse and sign, and unless such apprentice shall, when claimed by such master, be under twenty-one years of age: Provided always, that any master of an apprentice indentured for the sea service, or of any indentured labourer in Her Majesty's colonies or possessions abroad, shall be entitled to claim and recover him in the form and manner above directed, notwithstanding such apprentice or indentured labourer may have been bound for a less term than five or four years as aforesaid: Provided also, that any master who shall give up the indentures of his apprentice or of his labourer as aforesaid within one month after the enlisting of such apprentice or indentured labourer shall be entitled to receive to his own use so much of the bounty payable to such recruit as shall not have been paid

Claims of masters to apprentices.

to such recruit before notice given of his being an apprentice or an indentured labourer.

Punishment of apprentices enlisting.

58. No apprentice or indentured labourer claimed by his master as aforesaid shall be taken from any corps or recruiting party, except under a warrant of a justice residing near, and within whose jurisdiction such apprentice or indentured labourer shall then happen to be, before whom he shall be carried; and such justice shall inquire into the matter upon oath, which oath he is hereby empowered to administer, and shall require the production and proof of the indenture, and that notice of the said warrant has been given to the commanding officer, and a copy thereof left with some officer or non-commissioned officer of the party, and that such person so enlisted declared that he was no apprentice or indentured labourer; and such justice, if required by such officer or non-commissioned officer, shall commit the offender to the common gaol of the county, division, or place for which such justice is acting, and shall keep the indenture to be produced when required, and shall bind over such person as he may think proper to give evidence against the offender, who shall be tried at the next or at the sessions immediately succeeding the next general or quarter sessions of such county, division, or place, unless the court shall for just cause put off the trial; and the production of the indenture, with the certificate of the justice that the same was proved, shall be sufficient evidence of the said indenture; and every such offender in Scotland may be tried by the judge ordinary in the county or stewartry in such and the like manner as any person may be tried in Scotland for any offence not inferring a capital punishment: Provided always, that any justice not required as aforesaid to commit such apprentice or indentured labourer may deliver him to his master.

Removal of doubts as to attestation of soldiers.

59. No person who shall, for six months either before or after the passing of this Act, have received pay and been borne on the strength and pay list of any regiment or corps, or depôt or battalion of a regiment or corps (of which the last quarterly pay list, if produced, shall be evidence), shall be entitled to claim his discharge on the ground of error or illegality in his enlistment or attestation or re-engagement, or on any other ground whatsoever, but on the contrary, every such person shall be deemed to have been duly enlisted, attested, or re-engaged, as the case may be; and no person shall be exempted from the provisions of this Act or of the Articles of War for the time being by reason only that the number of the forces for the time being in the service of Her Majesty is either greater or less than the number herein-before mentioned.

Authorised deductions

60. No Secretary of State for the War Department, paymaster general of the army, paymaster, or any other officer

whatsoever, or any of their under officers, shall receive any fees or make any deductions whatsoever out of the pay of any officer or soldier in Her Majesty's army, or from their agents, which shall grow due from and after the twenty-fifth day of April one thousand eight hundred and seventy-five, other than the usual deductions, or such other necessary deductions as shall from time to time be authorised or required by Her Majesty's regulations or Articles of War, or by statute twenty-six and twenty-seven Victoria, chapter sixty-five, section eight (Volunteer Act), or by Her Majesty's order signified by the Secretary of State for the War Department; and every paymaster or other officer who having received any officer's or soldier's pay shall unlawfully detain the same for the space of one month, or refuse to pay the same when it shall become due, according to the several rates and agreeably to the several regulations established by Her Majesty's orders, shall, upon proof thereof before a court-martial, be discharged from his employment, and shall forfeit one hundred pounds, and the informer, if a soldier, shall, if he demand it, be discharged from any further service.

only to be made from the pay of the army.

61. And whereas by petition of right in the third year of King Charles the First it is enacted and declared, that the people of the land are not by the laws to be burdened with the sojourning of soldiers against their wills; and by a clause in an Act of the Parliament of England, made in the thirty-first year of the reign of King Charles the Second, for granting a supply to His Majesty of two hundred and six thousand four hundred and sixty-two pounds seventeen shillings and threepence, for paying and disbanding the forces, it is declared and enacted that no officer, civil or military, nor other person whosoever, should thenceforth presume to place, quarter, or billet any soldier upon any subject or inhabitant of this realm, of any degree, quality, or profession whatsoever, without his consent, and that it shall be lawful for any subject or inhabitant to refuse to quarter any soldier, notwithstanding any warrant or billeting whatsoever: And whereas by an Act passed in the Parliament of Ireland in the sixth year of the reign of Queen Anne, chapter fourteen, section eight, intituled "An Act to "prevent the disorders that may happen by the marching of "soldiers, and providing carriages for the baggage of soldiers "on their march," it was enacted, that no officer, soldier, or trooper in the army, nor the servant of any officer, nor any attendant on the train of artillery, nor any yeoman of the guard or battle-axes, nor any officer commanding the said yeomen, nor any servant of any such officer, should at any time thereafter have, receive, or be allowed any quarters in any part of Ireland, save only during such time or times as he or they should be on their march as in the same Act is before mentioned, or during such time as he or they should be and

Suspending operation of certain Acts herein recited.

6 Anne, c. 14. s. 8. (I.)

remain in some seaport town or other place in the neighbourhood of a seaport town in order to be transported, or during such time as there should be any commotion in any part of Ireland, by reason of which emergency the army or any considerable part thereof, should be commanded to march from one part of Ireland to another: But forasmuch as there is and may be occasion for the marching and quartering of regiments, corps, troops, and companies in several parts of the United Kingdom of Great Britain and Ireland, the said several provisions of the said recited Acts shall be suspended and cease to be of any force or effect during the continuance of this Act.

Certain requirements of 6 Anne, c. 14. (I.), as to billeting in Ireland, not now necessary.

62. And whereas by the eleventh section of the said Act of the sixth year of the reign of Queen Anne, chapter fourteen, it is provided and enacted, that no civil magistrate or constable should be obliged to find quarters for or give billets to more or other soldiers than those only whose true Christian and surnames should be delivered to him in writing under the hand of the officer desiring quarters or billets for such soldiers at the time such quarters or billets should be desired, and that all such names should be written together and delivered in one piece of paper, signed as aforesaid, and that the Christian and surnames of every soldier to be quartered or billeted, together with the name of the person on whom he or they should be billeted or quartered, should be given in writing by the constable or civil officer billeting or quartering such soldier, and be contained in the billet given by such civil officer: And whereas it has been found inconvenient and difficult to comply with all the requirements of the said enactment: It shall not be necessary, so long as this Act shall continue in force, for any officer, upon the occasion of his requiring quarters or billets for any soldiers in Ireland, to deliver to the constable or other person whose duty it shall be to find or give the same any list of the names of the soldiers to be so quartered or billeted; and it shall not be necessary for the constable or other such person as aforesaid to set forth in any billet the name of any soldier to be billeted or quartered, but only the number of the soldiers, or the number of the soldiers and horses respectively, as the case may require, to be billeted or quartered on the person named in the billet, and to whom the same shall be addressed.

How and where troops may be billeted.

63. It shall be lawful for all constables of parishes and places, and other persons specified in this Act, in Great Britain and Ireland, and they are hereby required, to billet the officers and soldiers in Her Majesty's service, and out-pensioners when assembled as a local force by competent authority, and persons receiving pay in Her Majesty's army, and the horses belonging to Her Majesty's cavalry, and also all staff and field officers horses, and all bât and baggage horses belonging to any of Her

Majesty's other forces, when on actual service, not exceeding for each officer the number for which forage is or shall be allowed by Her Majesty's regulations, in victualling houses and other houses specified in this Act (taking care in Ireland not to billet less than two men in one house, except only in case of billeting cavalry as specially provided); and they shall be received by the occupiers of the houses in which they are so billeted, and be furnished by such victuallers with proper accommodation in such houses, or if any victualler shall not have sufficient accommodation in the house upon which a soldier is billeted, then in some good and sufficient quarters to be provided by such victualler in the immediate neighbourhood, and in Great Britain shall also be furnished with diet and small beer, and in Great Britain and Ireland with stables, oats, hay, and straw for such horses as aforesaid, paying and allowing for the same the several rates herein-after provided; and at no time when troops are on a march shall any of them, whether infantry or cavalry, be billeted above one mile from the place mentioned in the route, care being always taken that billets be made out for the less distant houses, in which suitable accommodation can be found, before making out billets for the more distant; and in all places where cavalry shall be billeted in pursuance of this Act, each man and his horse shall be billeted in one and the same house, except in case of necessity; and, except in case of necessity, one man at least shall be billeted where there shall be one or two horses, and two men at least where there shall be four horses and so in proportion for a greater number; and in no case shall a man and his horse be billeted at a greater distance from each other than one hundred yards; and the constables are hereby required to billet all soldiers and their horses on their march, in the manner required by this Act, upon the occupiers of all houses within one mile of the place mentioned in the route, and whether they be in the same or in a different county, in like manner in every respect as if such houses where all locally situate within such place; provided that nothing herein contained shall be construed to extend to authorise any constable to billet soldiers out of the county to which such constable belongs when the constable of the adjoining county shall be present and shall undertake to billet the due proportion of men in such adjoining county; and no more billets shall at any time be ordered than there are effective soldiers and horses present to be billeted; all which billets, when made out by such constables, shall be delivered into the hands of the commanding officer present; and if any person shall find himself aggrieved by having an undue proportion of soldiers billeted in his house, and shall prefer his complaint, if against a constable or other person not being a justice, to one or more justices, and if against a justice then to two or more justices within whose jurisdiction such soldiers are billeted, such justices re-

spectively shall have power to order such of the soldiers to be removed, and to be billeted upon other persons, as they shall see cause; and when any of Her Majesty's cavalry or any horses as aforesaid shall be billeted upon the occupiers of houses in which officers or soldiers may be quartered by virtue of this Act who shall have no stables, then and in such case, upon the written requisition of the commanding officer of the regiment, corps, troop, or detachment, the constable is hereby required to billet the men and their horses, or horses only, upon some other person or persons who have stables, and who are by this Act liable to have officers and soldiers billeted upon them; and upon complaint being made by the person or persons to whose house or stables the said men or horses shall have been so removed to two or more justices within whose jurisdiction such men or horses shall be so billeted, it shall be lawful for such justices to order a proper allowance to be paid by the person relieved to the persons receiving such men and horses, or to be applied in furnishing the requisite accommodation; and commanding officers may exchange any man or horse billeted in any place with another man or horse billeted in the same place for the benefit of the service, provided the number of men and horses do not exceed the number at that time billeted on such houses respectively; and the constables are hereby required to billet such men and horses so exchanged accordingly; and it shall be lawful for any justice, at the request of any officer or non-commissioned officer commanding any soldiers requiring billets, to extend any routes or to enlarge the districts within which billets shall be required, in such manner as shall appear to be most convenient to the troops; provided that to prevent or punish all abuses in billeting soldiers, it shall be lawful for any justice within his jurisdiction, by warrant or order under his hand, to require any constable to give him an account in writing of the number of officers and soldiers who shall be quartered by such constables, together with the names of the persons upon whom such officers and soldiers are billeted, stating the street or place where such persons dwell, and the sign, if any, belonging to the houses: Provided always, that no officer shall be compelled or compellable to pay anything for his lodging where he shall be duly billeted.

Billeting the guards in and near Westminster.

64. The officers and soldiers of Her Majesty's Foot Guards shall be billeted within the city and liberties of Westminster and places adjacent, lying in the county of Middlesex (except the city of London) and in the county of Surrey, and in the borough of Southwark, in the same manner and under the same regulations as in other parts of England, in all cases for which particular provision is not made by this Act; and the high constables shall on receipt of the order for billeting soldiers, deliver precepts to the several constables within their respective

divisions, in pursuance of which the said constables shall billet such officers and soldiers equally and proportionably on the houses subjected thereto by this Act; and the said constables shall, at every general sessions of the peace to be holden for the said city and liberties, counties and borough respectively, make and deliver to the justices then in open session assembled, upon oath, which oath the said justices are hereby required to administer, lists, signed by them respectively, of the houses subject by this Act to receive officers and soldiers, together with the names and rank of all officers and soldiers billeted on each respectively, which lists shall remain with the respective clerks of the peace for the inspection of all persons without fee or reward; and such clerk shall forthwith from time to time deliver to any persons who shall require the same true copies of any such lists upon being paid twopence per sheet for the same, each sheet to contain at the least one hundred and fifty words.

Military officers not to act as justices in billeting.

65. No justice having or executing any military office or commission in any part of the United Kingdom shall, directly or indirectly, be concerned in the billeting or appointing quarters for any soldier in the regiment, corps, troop, or company under the immediate command of such justice, and all warrants, acts, and things made, done, and appointed by such justice for or concerning the same shall be void.

Allowance to innkeepers.

66. The innholder or other person on whom any soldier is billeted in Great Britain shall, if required by such soldier, furnish him for every day of the march, and for a period not exceeding two days when halted at the intermediate place upon the march, and for the day of the arrival at the place of final destination, with one hot meal in each day, the meal to consist of such quantities of diet and small beer as may be fixed by Her Majesty's regulations, not exceeding one pound and a quarter of meat previous to being dressed, one pound of bread, one pound of potatoes or other vegetables, and two pints of small beer, and vinegar, salt, and pepper, and for such meal the innholder or other person furnishing the same shall be paid the sum of tenpence, and twopence halfpenny for a bed; and all innholders and other persons on whom soldiers may be billeted in Great Britain or Ireland, except when on the march in Great Britain and entitled to be furnished with the hot meal as aforesaid, shall furnish such soldiers with a bed and with candles, vinegar, and salt, and shall allow them the use of fire, and the necessary utensils for dressing and eating their meat, and shall be paid in consideration thereof the sum of fourpence per diem for each soldier; and the sum to be paid to the innholder or other person on whom any of the horses belonging to Her Majesty's forces shall be billeted in Great Britain or Ireland for ten pounds of oats, twelve pounds of hay, and eight pounds of straw, shall be one shilling and ninepence per diem

for each horse; and every officer or non-commissioned officer commanding a regiment, detachment, or party shall, every four days, or before they shall quit their quarters if they shall not remain so long as four days, settle and discharge the just demands of all victuallers or other persons upon whom such officers, soldiers, or horses are billeted, out of the pay and subsistence of such officers and soldiers before any part of the said pay or subsistence be distributed to them respectively; and if any such officer on non-commissioned officer shall not pay the same as aforesaid, then, upon complaint, and oath made thereof by any two witnesses before two justices of the peace for the county, riding, division, liberty, city, borough, or place where such quarters were situated, sitting in quarter or petty sessions, the Secretary of State for the War Department is hereby required (upon certificate of the justices before whom such oath was made of the sum due upon such accounts, and the persons to whom the same is owing,) to give orders to the agent of the regiment or corps to pay the sums due to such victuallers or other persons as aforesaid, and to charge the same against such officers; and in case any soldier be suddenly ordered to march, and the respective commanding officers or non-commissioned officers are not enabled to make payment of the sums due for the lodging or victualling of the men and stabling or forage for the horses, every such officer or non-commissioned officer shall, before his departure, make up the account with every person upon whom such soldier may have been billeted, and sign a certificate thereof; which account and certificate shall be transmitted by such officer or non-commissioned officer to the agent of the regiment or corps, who is hereby required to make immediate payment thereof, and to charge the same to the account of such officer or non-commissioned officer.

Interpretation of Act.

67. All powers and provisions relating to soldiers shall be construed to extend to non-commissioned officers, unless when otherwise provided; and all powers and provisions relating to justices shall be construed to extend to all magistrates authorised to act as such in their respective jurisdictions and to chief magistrates of exclusive local jurisdictions; and all the powers given to and regulations made for the conduct of constables in relation to the billeting of officers and soldiers, and all penalties and forfeitures for any neglect thereof, shall extend to all tithingmen, headboroughs, and such-like officers, and to all inspectors or other officers of police, and to high constables and other chief officers and magistrates of cities, towns, villages, hamlets, parishes, and places in England and Ireland, and to all justices of the peace, magistrates of burghs, commissioners of police, and other chief officers and magistrates of cities, towns, villages, parishes, and places in Scotland, who shall act in the execution of this Act in relation to billeting; and all

Powers and regulations as to billets.

powers and provisions for billeting officers and soldiers in victualling houses shall extend and apply to all inns, hotels, livery stables, alehouses, and to the houses of sellers of wine by retail, whether British or foreign, to be drunk in their own houses, or places thereunto belonging, and to all houses of persons selling brandy, spirits, strong waters, cider, or metheglin, by retail, in Great Britain and Ireland; and in Ireland, when there shall not be found sufficient room in such houses, then to billeting soldiers in such manner as has been heretofore customary: Provided that no officer or soldier shall be billeted in Great Britain in any private houses, or in any canteen held or occupied under the authority of the War Department, or upon persons who keep taverns only, being vintners of the city of London admitted to their freedom of the said company in right of patrimony or apprenticeship, notwithstanding such persons who keep such taverns only have taken out victualling licenses, nor in the house of any distiller kept for distilling brandy and strong waters, nor in the house of any shopkeeper whose principal dealing shall be more in other goods and merchandise than in brandy and strong waters, so as such distillers and shopkeepers do not permit tippling in such houses, nor in the house of residence in any part of the United Kingdom of any foreign consul duly accredited as such.

Exemptions from billets.

68. For the regular provision of carriages for Her Majesty's forces, and their baggage in their marches in Great Britain and Ireland, all justices of the peace within their several jurisdictions, being duly required thereunto by an order from Her Majesty, or the general of her forces, or other person duly authorised in that behalf, shall, on production to them of such order, or a copy thereof, certified by the commanding officer, by some officer or non-commissioned officer of the regiment or corps so ordered to march, issue a warrant to any constable having authority to act in any place from, through, near, or to which the troop shall be ordered to march, (for each of which warrants the fee of one shilling only shall be paid,) requiring him to provide the carriages, horses, and oxen, and drivers therein mentioned. and allowing sufficient time to do the same, specifying the places from and to which the said carriages shall travel, and the distance between the places, for which distance only so specified payment shall be demanded, and which distance shall not, except in cases of pressing emergency, exceed a day's march prescribed in the order of route, and shall in no cases exceed twenty-five miles; and the constables receiving such warrants shall order such persons as they shall think proper, having carriages, to furnish the requisite supply, who are hereby required to furnish the same accordingly; and when sufficient carriages cannot be procured within the proper jurisdiction, any justice of the next adjoining jurisdiction shall, by a like course of proceeding,

Supply of carriages.

supply the deficiency; and in order that the burden of providing carriages may fall equally, and to prevent inconvenience arising from there being no justice near the place where troops may be quartered on the march, any justice residing nearest to such place may cause a list to be made out once in every year of all persons liable to furnish such carriages, and of the number and description of their said carriages, (which list shall at all seasonable hours be open to the inspection of the said persons,) and may by warrant under his hand authorise the constable within his jurisdiction to give orders to provide carriages, without any special warrant for that purpose, which orders shall be valid in all respects; and all orders for such carriages shall be made from such lists in regular rotation, as far as the same can be done.

Rates to be paid for carriages, and regulations relating thereto.

69. In every case in which the whole distance for which any carriage shall be impressed shall be under one mile the rate of a full mile shall be paid; and the rates to be paid for carriages impressed shall be, in Great Britain, for every mile which a waggon with four or more horses, or a wain with six oxen or four oxen and two horses, shall travel, one shilling; and for every mile any waggon with narrow wheels, or any cart with four horses, carrying not less than fifteen hundredweight, shall travel, ninepence; and for every mile any other cart or carriage with less than four horses, and not carrying fifteen hundredweight, shall travel, sixpence; and in Ireland, for every hundredweight loaded on any wheel carriage, one halfpenny per mile; and in Great Britain such further rates may be added, not exceeding a total addition per mile of fourpence, threepence, or twopence, to the respective rates of one shilling, ninepence, or sixpence, as may seem reasonable to the justices assembled at general sessions for their respective districts, or to the recorder at the sessions of the peace of any municipal city, borough, or town; and the order of such justices or recorder shall specify the average price of hay and oats at the nearest market town at the time of fixing such additional rates, the period for which the order shall be enforced not exceeding ten days beyond the next general sessions; and no such order shall be valid unless a copy thereof, signed by the presiding magistrate and one other justice, or by the recorder, shall be transmitted to the Secretary of State for the War Department within three days after the making thereof; and also in Great Britain when the day's march shall exceed fifteen miles the justice granting his warrant may fix a further reasonable compensation, not exceeding the usual rate of hire fixed by this Act; and when any additional rates or compensation shall be granted, the justice shall insert in his own hand in the warrant the amount thereof, and the date of the order of sessions, if fixed by sessions, and the warrant shall be given to the officer commanding as his

voucher; and the officer or non-commissioned officer demanding carriages by virtue of the warrant of a justice, shall, in Great Britain, pay the proper sums into the hands of the constables providing carriages, who shall give receipts for the same on unstamped paper; and in Ireland the officers or non-commissioned officers as aforesaid shall pay the proper sums to the owners or drivers of the carriages, and one third part of such payment shall be made before the carriage be loaded, and all the said payments in Ireland shall be made, if required, in the presence of a justice or constable; and no carriage shall be liable to carry more than thirty hundredweight in Great Britain, and in Ireland no car shall be liable to carry more than six hundredweight, and no dray more than twelve hundredweight; but the owner of such carriages in Ireland consenting to carry a greater weight shall be paid at the same rate for every hundredweight of the said excess; and the owners of such carriages in Ireland shall not be compelled to proceed, though with any less weight, under the sum of threepence a mile for each car and sixpence a mile for each dray; and the loading of such carriages in Ireland shall be first weighed, if required, at the expense of the owner of the carriage, if the same can be done in a reasonable time, without hindrance to Her Majesty's service; provided that a cart with one or more horses for which the furnisher shall receive ninepence a mile shall be required to carry fifteen hundredweight at the least; and no penalties or forfeitures in any Act relating to highways or turnpike roads in the United Kingdom shall apply to the number of horses and oxen, or weight of loading of the aforesaid carriages, which shall not on that account be stopped or detained; and whenever it shall be necessary to impress carriages for the march of soldiers from Dublin, at least twenty-four hours notice of such march, and in case of emergency as long notice as the case will admit, shall be given to the Lord Mayor of Dublin, who shall summon a proportional number of cars and drays, at his discretion, out of the licensed cars and drays and other cars and drays within the county of the said city, and they shall by turns be employed on this duty at the prices and under the regulations herein-before mentioned; and no country cars, drays, or other carriages coming to markets in Ireland shall be detained or employed against the will of the owners in carrying the baggage of the army on any pretence whatsoever.

As to supply of carriages in cases of emergency, &c.

70. It shall be lawful for Her Majesty, or for the Lord Lieutenant or Chief Governor of Ireland, by her or their order, distinctly stating that a case of emergency doth exist, signified by the Secretary of State for the War Department, or, if in Ireland, by the Chief Secretary or Under Secretary, or the first clerk in the Military Department, to authorise

any general or field officer commanding Her Majesty's forces in any district or place, or the chief acting agent for the supply of stores and provisions, by writing under his hand reciting such order of Her Majesty or Lord Lieutenant or Chief Governor aforesaid, to require all justices within their several jurisdictions in Great Britain and Ireland to issue their warrants for the provision, not only of waggons, wains, carts, and cars kept by or belonging to any person and for any use whatsoever, but also of saddle horses, coaches, post-chaises, chaises, and other four-wheeled carriages kept for hire, and of all horses kept to draw carriages licensed to carry passengers, and also of boats, barges, and other vessels used for the transport of any commodities whatsoever upon any canal or navigable river, as shall be mentioned in the said warrants, therein specifying the place and distance to which such carriages or vessels shall go; and on the production of such requisition, or a copy thereof certified by the commanding officer, to such justice, by any officer of the corps ordered to be conveyed, or by any officer of the War Department, such justice shall take all the same proceedings in regard to such additional supply so required on such emergency as he is by this Act required to take for the ordinary provision of carriages; and all provisions whatsoever of this Act as regards the procuring of the ordinary supply of carriages, and the duties of officers and non-commissioned officers, justices, constables, and owners of carriages in that behalf, shall be to all intents and purposes applicable for the providing and payment, according to the rates of posting or of hire usually paid for such other description of carriages or vessels so required on emergency, according to the length of the journey or voyage in each case, but making no allowance for post horse duty, or turnpike, canal, river, or lock tolls, which duty or tolls are hereby declared not to be demandable for such carriages and vessels while employed in such service or returning therefrom; and it shall be lawful to convey thereon, not only the baggage, provisions, and military stores of such regiment, corps, or detachment, but also the officers, soldiers, servants, women, children, and other persons of and belonging to the same.

Justices empowered to reimburse constables for sums expended by them.

71. It shall be lawful for the justices of the peace assembled at their quarter sessions to direct the treasurer to pay, without fee, out of the public stock of the county or riding, or if such public stock be insufficient then out of moneys which the said justices shall have power to raise for that purpose, in like manner as for county gaols and bridges, such reasonable sums as shall have been expended by the constables within their respective jurisdictions for carriages and vessels, over and above what was or ought to have been paid by the officer requiring the same, regard being had to the season of the year and the condition of the ways by which such carriages and vessels are

to pass; and in Scotland such justices shall direct such payments to be made out of the rogue money and assessments directed and authorised to be assessed and levied by an Act of the twentieth and twenty-first years of the reign of Her present Majesty, chapter seventy-two.

Routes in Ireland.

72. It shall be lawful for the Lord Lieutenant or other chief governor for the time being of Ireland to depute, by warrant under his hand and seal, some proper person to sign routes in cases of emergency, for the marching of any of Her Majesty's forces in Ireland, in the name of such Lord Lieutenant or chief governor.

Tolls.

73. All Her Majesty's officers and soldiers, on duty or on their march, and their horses and baggage, and all recruits marching by route, and all prisoners under military escort and all enrolled pensioners in uniform when called out for training or in aid of the civil power, and all carriages and horses belonging to Her Majesty or employed in her service under the provisions of this Act, or in any of Her Majesty's colonies, when conveying any such persons as aforesaid, or their baggage, or stores, or returning from conveying the same, shall be exempted from payment of any duties and tolls on embarking or disembarking from or upon any pier, wharf, quay, or landing place, or in passing along or over any turnpike or other roads or bridges, otherwise demandable by virtue of any Act already passed or hereafter to be passed, or by virtue of any Act or ordinance, order or direction of any colonial legislature or other authority in any of Her Majesty's colonies; provided that nothing herein contained shall exempt any boats, barges, or other vessels employed in conveying the said persons, horses, baggage, or stores along any canal from payment of tolls in like manner as other boats, barges, and vessels are liable thereto, except when employed in cases of emergency as herein-before enacted.

Ferries.

74. When any soldiers on service have occasion in their march by route to pass regular ferries in Scotland, the officer commanding may at his option pass over with his soldiers as passengers, and shall pay for himself and each soldier one half only of the ordinary rate payable by single persons, or may hire the ferry boat for himself and his party, debarring others for that time, and shall in all such cases pay only half the ordinary rate for such boat.

Marching money on discharge.

75. Every soldier enlisted in Great Britain or Ireland shall, when entitled to his discharge, if then serving abroad, be sent home, if he shall so require, free of expense, and shall be entitled to receive marching money from the place of his being landed (or, if discharged at home shall receive marching money from the place of his discharge,) to the parish or place in which he shall have been originally enlisted, or at which he shall at the time of his discharge decide to take up his

residence (if the cost of conveyance to such place shall not exceed the cost of conveyance to the place of his original enlistment): Provided that nothing in this section shall apply to soldiers appointed sergeant instructors, or attached for completion of service, to the reserve forces.

Ordinary course of criminal justice not to be interfered with.

Punishment of officers obstructing civil justice.

76. Nothing in this Act contained shall be construed to extend to exempt any officer or soldier from being proceeded against by the ordinary course of law, when accused of felony, or of misdemeanor, or of any crime or offence other than the misdemeanors and offences herein-before mentioned; and if any commanding officer shall neglect or refuse, on application being made to him for that purpose, to deliver over to the civil magistrate any officer or soldier under his command, or shall wilfully obstruct, neglect, or refuse to assist the officers of justice in apprehending any officer or soldier under his command, so accused as aforesaid, such commanding officer shall, upon conviction thereof in any of Her Majesty's superior courts at Westminster, Dublin, or Edinburgh, or in any court of record in India, be deemed to be thereupon cashiered, and shall be thenceforth utterly disabled to have or hold any civil or military office or employment in the United Kingdom of Great Britain and Ireland or in Her Majesty's service; and a certificate of such conviction, containing the substance and effect of the indictment only, omitting the formal part, with the copy of the entry of the judgment of the court thereon, shall be transmitted to the judge advocate general in London.

Penalty for disobedience by agents.

77. For enforcing a prompt observance of the rules and orders for the due appropriation of the public funds applicable to army services, and in order that a true and regular account may be kept and rendered by the agents for the several corps, the said agents are hereby required to observe such orders as shall from time to time be given by Her Majesty under Her Sign Manual, or by the Secretary of State for the War Department, or by Her Majesty's Lord Lieutenant or Chief Governor of Ireland, or by the Lord Treasurer or the Commissioners of Her Majesty's Treasury; and if any person, being or having been an agent, shall refuse or neglect to comply with such orders in relation to his duty as agent, or shall unlawfully withhold or detain the pay of any officer or soldier for a longer period than the space of one month after the receipt thereof, he shall for the first offence forfeit the sum of one hundred pounds, and, if still an agent, for the second offence be discharged from his employment as an army agent, and be utterly disabled to have or hold such employment thereafter, or, if he have ceased to be an army agent, shall for the second and every succeeding offence forfeit the sum of two hundred pounds.

Penalty on trafficking in commissions.

78. Any person (except the Army Purchase Commissioners and persons acting under their authority by virtue of the pro-

visions of the Regulation of the Forces Act, 1871) who shall negotiate, act as agent for, or otherwise aid or connive at the sale or purchase of any commission in Her Majesty's army shall forfeit for every such offence the sum of one hundred pounds; and any person who shall negotiate, act as agent for, or otherwise aid or connive at any exchange in respect of which any sum of money or other consideration exceeding the sum or consideration sanctioned by the military authorities shall be given or received shall forfeit for every such offence the sum of one hundred pounds.

Penalty for procuring false musters.

79. Every person, not having any military commission, who shall give or procure to be given any untrue certificate, whereby to excuse any soldier for his absence from any muster or any other service which he ought to attend or perform, or who shall directly or indirectly cause to be taken any money or gratuity for mustering any soldiers, or for signing any muster rolls or duplicates thereof, shall forfeit for every such offence the sum of fifty pounds; and any person who shall falsely be mustered, or offer himself to be mustered, or lend or furnish any horse to be falsely mustered, shall, upon conviction before some justice of the peace residing near the place where such muster shall be made, forfeit for every such offence the sum of twenty pounds; and the informer, if he belongs to Her Majesty's service, shall, if he demand it, be forthwith discharged.

Penalty on unlawful recruiting.

80. Every person (except such person or persons as shall be authorised by beating order under the hand of the Secretary of State for the War Department) who shall cause to be advertised, posted, or dispersed bills for the purpose of procuring recruits or substitutes for the line, embodied militia, or Her Majesty's Indian forces, or shall open or keep any house, place of rendezvous, or office, or receive any person therein under such bill or advertisement, as connected with the recruiting service, or shall directly or indirectly interfere therewith, without permission in writing from the adjutant general, or from the Secretary of State in Council of India, (as the case may be,) shall forfeit for every such offence a sum not exceeding twenty pounds.

Penalty for inducing soldiers to desert.

81. Any person who shall in any part of Her Majesty's dominions, or by any means whatsoever, directly or indirectly, procure any soldier to desert, or attempt to procure or persuade any soldier to desert, and any person who, knowing that any soldier is about to desert, shall aid or assist him in deserting, or, knowing any soldier to be a deserter, shall conceal such deserter, or aid or assist such deserter in concealing himself, or aid or assist in his rescue, shall be deemed guilty of a misdemeanor, and shall, on conviction thereof before any two justices acting for the county, district, city, burgh, or

place where any such offender shall at any time happen to be, be liable to be committed to the common gaol or house of correction, there to be imprisoned, with or without hard labour, for such term not exceeding six calendar months as the convicting justices shall think fit.

Penalty for forcible entry in pursuit of deserters without warrant.

82. Any officer or soldier who shall, in pursuit of any deserter, forcibly enter into or break open any dwelling-house or outhouse, or shall give any order under which any dwelling-house or outhouse shall be forcibly entered into or broken open, without a warrant from one or more justices of the peace, shall, on conviction thereof before two justices of the peace, forfeit a sum not exceeding twenty pounds.

Penalties on aiding escape or attempt to escape of prisoners, and on breach of prison regulations.

83. If any person shall convey or cause to be conveyed into any military prison appointed to be a public prison under this Act any arms, tools, or instruments, or any mask or other disguise, in order to facilitate the escape of any prisoner, or shall by any means whatever aid and assist any prisoner to escape or in attempting to escape from such prison, whether an escape be actually made or not, such person shall be deemed guilty of felony, and upon being convicted thereof shall be kept to penal servitude for any term not less than five years and not exceeding seven years, or be imprisoned, with or without hard labour, for any term not exceeding two years; and if any person shall bring or attempt to bring into such prison, in contravention of the existing rules thereof, any spirituous or fermented liquor, he shall for every such offence be liable to a penalty not exceeding twenty pounds and not less than ten pounds, or to be imprisoned, with or without hard labour, for any time not exceeding three calendar months; and if any person shall bring into such prison, to or for any prisoner, without the knowledge of the governor, any money, clothing, provisions, tobacco, letters, papers, or any other articles not allowed by the rules of the prison to be in the possession of a prisoner, or shall throw into the said prison any such articles, or shall by desire of any prisoner, without the sanction of the governor, carry out of the prison any of the articles aforesaid, he shall for every such offence be liable to a penalty not exceeding five pounds, or to be imprisoned, either with or without hard labour, for any time not exceeding one calendar month; and if any person shall assault or violently resist any officer of such prison in the execution of his duty, or shall aid or excite any person so to assault or resist any such officer, he shall for every such offence be liable to a penalty not exceeding five pounds, or to be imprisoned, with or without hard labour, for any time not exceeding one calendar month, or, if the offender be a soldier already under sentence of imprisonment, he shall be liable for every such offence, upon conviction thereof by a board of not less than three of the visitors of the prison, to be imprisoned, either with or withou

hard labour, for any time not exceeding six calendar months, in addition to his original sentence, or to be subjected to corporal punishment not exceeding fifty lashes, or upon conviction thereof by a single visitor to be imprisoned, with or without hard labour, for any time not exceeding seventy-two hours, in addition to his original sentence, or to be subjected to corporal punishment not exceeding twenty-five lashes; or if such soldier shall, within forty-eight hours of the expiration of his original or of any additional sentence, be guilty of any offence against the rules of the prison, he may for every such offence, on conviction thereof by a board or by a single visitor, be ordered to be kept in prison for a period not exceeding seventy-two hours either in a dark cell or in a light cell, and with or without hard labour on a bread and water diet, or otherwise; and all the provisions of any Act or Acts of Parliament for the regulation or better ordering of gaols, houses of correction, or prisons in Great Britain shall be deemed to apply to all military prisons so far as any such provision relates to such offences; and it shall be lawful for the governor, provost marshal, officer, or servant of any military prison to use and exercise all the powers and authorities given by any such Act to the gaoler, keeper, or turnkey of any prison, or to his or their assistants, to apprehend or to cause offenders to be apprehended, in order to their being taken before a justice or justices of the peace; and all the powers and authorities given by any such Act to any justice or justices of the peace to convict offenders in any of the above cases, together with the forms of convictions contained in any such Act, shall be applicable to the like offences when committed in respect of military prisons; and all the provisions contained in any such Act relating to suits and actions prosecuted against any person for anything done in pursuance of such Act shall be deemed to apply to all suits and actions prosecuted against any person acting in pursuance of such Act in respect of military prisons.

Certain provisions of Acts for regulating gaols to apply to military prisons.

84. Any governor, provost marshal, gaoler, or keeper of any public prison, gaol, house of correction, lock-up house, or other place of confinement, who shall refuse to receive and to confine, or to discharge or deliver over, any military offender in the manner herein-before prescribed, shall forfeit for every such offence the sum of one hundred pounds.

Penalty on keepers of prisons for refusing to confine, &c. military offenders.

85. Any person who shall knowingly detain, buy, exchange, or receive from any soldier or deserter or any other person acting for or on his behalf, on any pretence whatsoever, or who shall solicit or entice any soldier, or shall be employed by any soldier, knowing him to be such, to sell any arms, ammunition, medals for good conduct or for distinguishment or other service, clothes, or military furniture, or any provisions, or any sheets or other articles used in barracks pro-

Penalty on purchasing soldiers necessaries, stores, &c.

vided under barrack regulations, or regimental necessaries, or any article of forage provided for any horses belonging to Her Majesty's service, or who shall have in his or her possession or keeping any such arms, ammunition, medals, clothes, furniture, provisions, spirits, articles, necessaries, or forage, and shall not give a satisfactory account how he or she came by the same, or shall change the colour of any clothes as aforesaid, shall forfeit for every such offence any sum not exceeding twenty pounds, together with treble the value of all or any of the several articles of which such offender shall so become or be possessed; and if any person having been so convicted shall afterwards be guilty of any such offence, he shall for every such offence forfeit any sum not exceeding twenty pounds but not less than five pounds, and the treble value of all or any of the several articles of which such offender shall have so become possessed, and shall in addition to such forfeiture be committed to the common gaol or house of correction, there to be imprisoned, with or without hard labour, for such term, not exceeding six calendar months, as the convicting justice or justices shall think fit; and upon any information against any person for a second or any subsequent offence, a copy of the former conviction, certified by the proper officer having the care or custody of such conviction, or any copy of the same proved to be a true copy, shall be sufficient evidence to prove such former conviction; and if any credible person shall prove on oath before a justice of the peace, or person exercising like authority according to the laws of the part of Her Majesty's dominions in which the offence shall be committed, a reasonable cause to suspect that any person has in his or her possession, or on his or her premises, any property of the description herein-before described, on or with respect to which any such offence shall have been committed, such justice may grant a warrant to search for such property as in the case of stolen goods; and if upon such search any such property shall be found, the same shall and may be seized by the officer charged with the execution of such warrant, who shall bring the offender in whose possession the same shall be found before the same or any other justice of the peace, to be dealt with according to law: Provided always, that it shall be lawful for the legislature of any of Her Majesty's foreign dominions, on the recommendation of the officer or officers for the time being administering the government thereof, but not otherwise, to make provision by law for reducing such pecuniary penalty, if not exceeding twenty pounds, to such amount as may to such legislature appear to be better adapted to the ability and pecuniary means of Her Majesty's subjects and others inhabiting the same, which reduced penalty shall be sued for and recovered in such and the same manner as the full penalty hereby imposed: Provided also, that it shall be competent to

Her Majesty, or to the person or persons administering the government of any such foreign dominions as aforesaid, to exercise, in respect of the laws so to be passed as aforesaid, all such powers and authorities as are by law vested in Her Majesty or in any such officer or officers as aforesaid in respect of any other law made or enacted by any such legislature.

Penalties on civil subjects offending against the laws relating to billets.

86. If any constable or other person who by virtue of this Act shall be employed in billeting any officers or soldiers in any part of the United Kingdom shall presume to billet any such officer or soldier in any house not within the meaning of this Act, without the consent of the owner or occupier thereof; or shall neglect or refuse to billet any officer or soldier on duty, when thereunto required, in such manner as is by this Act directed, provided sufficient notice be given before the arrival of such troops; or shall receive, demand, or agree for any money or reward whatsoever, in order to excuse any person from receiving such officer or soldier; or shall quarter any of the wives, children, men or maid servants of any officers or soldiers, in any such houses, against the consent of the occupiers; or shall neglect or refuse to execute such warrants of the justices as shall be directed to him for providing carriages, horses, or vessels, or shall demand more than the legal rates for the same; or if any person ordered by any constable in manner herein-before directed to provide carriages, horses, or vessels shall refuse or neglect to provide the same according to the orders of such constable, or shall do any act or thing by which the execution of any warrants for providing carriages, horses, or vessels shall be hindered; or if any constable shall neglect to deliver in to the justices at quarter sessions lists of officers and soldiers of the foot guards quartered according to the provisions of this Act, or shall wilfully cause to be delivered defective lists of the same; or if any person liable by this Act to have any officer or soldier quartered upon him shall refuse to receive and to afford proper accommodation or diet in the house in which such officer or soldier is quartered, and to furnish the several things directed to be furnished to officers and soldiers, or shall neglect or refuse to furnish good and sufficient stables, together with good and sufficient oats, hay, and straw, in Great Britain and Ireland for each horse, in such quantities and at such rates as herein-before provided; or if any innkeeper or victualler not having good and sufficient stables shall refuse to pay over to the person or persons who may provide stabling such allowance by way of compensation as shall be directed by any justice of the peace, or shall pay any sum or sums of money to any soldier on the march in lieu of furnishing in kind the diet and small beer to which such soldier is entitled; or if any toll collector shall demand and receive toll from any of Her Majesty's officers or soldiers, on duty or on their march, for themselves or

On toll collectors demanding toll from officers,

soldiers, or for carriages;

for their horses, or from any recruits marching by route, or from any prisoners under military escort, or from any enrolled pensioners in uniform when called out for training or in aid of the civil power, or for any carriages or horses belonging to Her Majesty, or employed in her service under the provisions of this Act, or in any of Her Majesty's colonies, when conveying persons, or baggage, or stores, or returning therefrom, every such constable, victualler, toll-keeper, or other person respectively shall forfeit for every such offence, neglect, or refusal any sum not exceeding five pounds nor less than forty shillings; and if any person shall personate or represent himself to be a soldier or a recruit, with the view of fraudulently obtaining a billet, or money in lieu thereof, he shall for every such offence forfeit any sum not exceeding five pounds nor less than twenty shillings.

and on persons personating soldiers, &c.

Penalties on the military offending against the laws relating to billets.

87. If any military officer shall take upon himself to quarter soldiers otherwise than is limited and allowed by this Act, or shall use or offer any menace or compulsion to or upon any mayor, constable, or other civil officer, tending to deter and discourage any of them from performing any part of their duty under this Act, or tending to induce any of them to do anything contrary to their said duty, such officer shall for every such offence (being thereof convicted before any two or more justices of the county by the oath of two credible witnesses) be deemed and taken to be thereupon cashiered, and shall be utterly disabled to hold any military employment in Her Majesty's service; provided that a certificate of such conviction shall be transmitted by one of the said justices to the Judge Advocate in London, who is hereby required to certify the same to the Commander-in-Chief and Secretary of State for the War Department, and that the said conviction be affirmed at some quarter sessions of the peace of the said county held next after the expiration of three months after such certificate of the justice shall have been transmitted as aforesaid; and if any military officer shall take, or knowingly suffer to be taken, from any person, any money or reward for excusing the quartering of officers or soldiers, or shall billet any of the wives, children, men or maid servants of any officer or soldier, in any house, against the consent of the occupier, he shall, upon being convicted thereof before a general court-martial, be cashiered; and if any officer shall constrain any carriage to travel beyond the distance specified in the justice's warrant, or shall not discharge the same in due time for their return home on the same day, if it be practicable, except in the case of emergency for which the justice shall have given license, or shall compel the driver of any carriage to take up any soldier or servant (except such as are sick) or any woman to ride therein, except in the cases of emergency as aforesaid or shall force any constable, by threatening words, to provide

saddle horses for himself or servants, or shall force horses from their owners, or in Ireland shall force the owner to take any loading until the same shall be first duly weighed, if the same can be done within reasonable time, or shall, contrary to the will of the owner or his servant, permit any person whatsoever to put any greater load upon any carriage than is directed by this Act, such officer shall forfeit for every offence any sum not exceeding five pounds nor less than forty shillings.

Penalty on killing game without leave.

88. For the better preservation of game and fish in or near places where any officers shall at any time be quartered, be it enacted, that every officer who shall, without leave in writing from the person or persons entitled to grant such leave, take, kill, or destroy any game or fish in the United Kingdom of Great Britain and Ireland, shall for every such offence forfeit the sum of five pounds.

Form of actions at law.

89. Any action which shall be brought against any person for anything to be done in pursuance of this Act shall be brought within six calendar months after the doing thereof, and it shall be lawful for every such person to plead thereunto the general issue Not Guilty, and to give all special matter in evidence to the jury; and if the verdict shall be for the defendant in any such action, or the plaintiff therein become nonsuited, or suffer any discontinuance thereof, or if in Scotland such court shall see fit to assoilzie the defendant or dismiss the complaint, the court in which the said matter shall be tried shall allow unto the defendant treble costs, for which the said defendant shall have the like remedy as in other cases where costs are by law given to defendants; and every action against any person for anything done in pursuance of this Act, or against any member or minister of a court-martial in respect of any sentence of such court, or of anything done by virtue or in pursuance of such sentence, shall be brought in some one of the courts of record at Westminster, or in Dublin, or in India, or in the Court of Session in Scotland, and in no other court whatsoever.

Recovery of penalties.

90. All offences for which any penalties and forfeitures are by this Act imposed not exceeding twenty pounds, over and above any forfeiture of value or treble value, shall and may be determined, and such penalties and forfeitures and forfeiture of value or treble value recovered, in every part of the United Kingdom, by and before one or more justice or justices of the peace, under the provisions of an Act passed in the eleventh and twelfth years of the reign of Her Majesty Queen Victoria, intituled "An Act to facilitate the performance "of the duties of Justices of the Peace out of Sessions, within "England and Wales, with respect to summary convictions "and orders:" Provided always, that in all cases in which there shall not be sufficient goods whereon any penalty or

11 & 12 Vict. c. 43.

forfeiture can be levied, the offender may be committed and imprisoned for any time not exceeding six calendar months; which said recited Act shall be used and applied, in Scotland and in Ireland, for the recovery of all such penalties and forfeitures, as fully to all intents as if the said recited Act had extended to Scotland and Ireland, anything in the said recited Act, or in an Act passed in the fourteenth and fifteenth years of the reign of Her Majesty Queen Victoria, intituled "An "Act to consolidate and amend the Acts regulating the pro-"ceedings at Petty Sessions, and the duties of Justices of the "Peace out of Quarter Sessions, in Ireland," to the contrary notwithstanding; and all such offences committed in the British Isles or in any of Her Majesty's dominions beyond the seas may be determined, and the penalties and forfeitures and forfeiture of value or treble value recovered, before any justices of the peace or persons exercising like authority according to the laws of the part of Her Majesty's dominions in which the offence shall be committed; and all penalties and forfeitures by this Act imposed exceeding twenty pounds shall be recovered by action in some of the courts of record at Westminster, or in Dublin, or in India, or in the Court of Session in Scotland, and in no other court in the United Kingdom, and may be recovered in the British Isles, or in any other parts of Her Majesty's dominions, in any of the royal or superior courts of such isles or other parts of Her Majesty's dominions. In any proceeding under this Act whereby any person incurs a penalty or forfeiture, such person may also be adjudged to pay the costs of such proceeding by the justice or justices, or the court imposing such penalty or forfeiture.

14 & 15 Vict. c. 93.

Appropriation of penalties.

91. One moiety of every penalty, not including any treble value of any articles, adjudged or recovered under the provisions of this Act, shall go to the person who shall inform or sue for the same, and the remainder of the penalty, together with the treble value of any articles, or, where the offence shall be proved by the person who shall inform, the whole of the penalty, shall be paid, in the United Kingdom, to the paymaster of the London recruiting district, St. George's Barracks, London, and in India to the military secretary of the government of the presidency to which the court by whom the penalty shall be adjudicated shall be subject, and elsewhere in Her Majesty's dominions to the local military accountant, to be at the disposal of the Secretary of State for the War Department, (unless where the penalty is adjudged in India, when it shall be at the disposal of the Government of India,) anything in an Act passed in the fifth and sixth years of the reign of His late Majesty King William the Fourth, intituled "An Act to provide for the regulation of "Municipal Corporations in England and Wales," or in any other Act or Acts, to the contrary notwithstanding. Every

5 & 6 W. 4. c. 76.

justice or court adjudging any penalty under this Act shall report the same immediately, if in the United Kingdom, to the said Secretary of State, if in India to the said military secretary, and if elsewhere in Her Majesty's dominions to the general or other officer commanding at the station.

Mode of recording a soldier's settlement.

92. The Secretary of State for the War Department may, if he think proper, cause any soldier on his discharge, and his wife or child, if occasion require, either with or without him, to be sent to the parish in which on his attestation as a recruit he stated himself to have been born, and if delivered at the workhouse of that parish, or of the union comprising such parish, he shall then be received therein by the master or other proper officer thereof; but any justice in the United Kingdom within whose jurisdiction any soldier in Her Majesty's army, or on the permanent staff of the militia, having a wife or child, shall be billeted, may summon such soldier before him in the place where he is billeted, (which summons he is hereby directed to obey,) and take his examination in writing, upon oath, touching the place of his last legal settlement, and such justice shall give an attested copy of such examination to the person examined, to be by him delivered to his commanding officer, to be produced when required; which said examination and such attested copy thereof shall be at any time admitted as good and legal evidence of such last legal settlement before any justices or at any general or quarter sessions, although such soldier be dead or absent from the kingdom; provided that in case any soldier shall be again summoned to make oath as aforesaid, then, on such examination or such attested copy thereof being produced by him or by any other person on his behalf, such soldier shall not be obliged to take any other oath with regard to his legal settlement, but shall leave a copy of such examination, or a copy of such attested copy of examination, if required.

Licenses of canteens.

93. When any person shall hold any canteen under proper authority of the War Department, it shall be lawful for any two justices within their respective jurisdictions to grant or transfer any beer, wine, or spirit license to such persons, without regard to time of year or to the notices or certificates required by any Act in respect of such licenses; and the Commissioners of Excise, or their proper officers within their respective districts, shall also grant such licenses as aforesaid; and such persons so holding canteens, and having such licenses, may sell therein victuals and exciseable liquors, as empowered by such excise license, without being subject to any penalty or forfeiture.

Attestation of accounts.

94. All muster rolls and accounts and pay and pension lists which are required to be verified by declaration shall be so verified and attested free of stamp duty, and without fee or reward paid for such declaration or attestation.

Commissaries, &c. to attest their accounts.

95. All commissaries, regimental paymasters, and all other accountants for military services, upon making up their accounts, and all commissaries upon returning from any foreign service, shall severally make the respective declarations described in the schedule to this Act annexed; which declarations, if made in any part of the United Kingdom, shall be made before some justice, or other person authorised to administer oaths and declarations, and if made on foreign service shall be made before the officer commanding in chief, or the second in command, or the quartermaster or deputy quartermaster general or any assistant quartermaster general of the army, who shall respectively have power to administer and receive the same.

Administration of oaths.

Perjury.

96. All oaths and declarations which are authorised and required by this Act may be administered (unless where otherwise provided) by any justice of the peace, or other person having authority to administer oaths and declarations; and any person taking a false oath or declaration where an oath or declaration is authorised or required by this Act shall be deemed guilty of wilful and corrupt perjury, or of wilfully making a false declaration, and being thereof duly convicted shall be liable to such pains and penalties as by law any person convicted of wilful and corrupt perjury is subject and liable to; and every commissioned officer convicted before a general court-martial of perjury, or of wilfully making a false declaration, shall be cashiered, and every soldier or other person amenable to the provisions of this Act found guilty thereof by a general, district, or garrison court-martial shall be punished at the discretion of such court. In India, in all cases where any oath is hereby required to be taken, or any person is hereby required to be sworn, a solemn declaration or affirmation may be substituted, if by the laws for the time being in force in India such declaration or affirmation would be allowed to be substituted in the place of an oath, in case the party were about to depose as a witness in a civil action in any of the supreme courts at the presidencies; and any person wilfully and knowingly giving false testimony on oath or solemn declaration or affirmation in any case wherein such oath or solemn declaration or affirmation shall have been made for the purpose of this Act, or any proceedings under this Act, shall be deemed guilty of wilful and corrupt perjury, and, being duly convicted thereof before a court-martial or otherwise, shall be liable to such pains and penalties as by any law in force in England, or by any law in force in India, any persons convicted of wilful and corrupt perjury are subject and liable to.

Provided always, that nothing in this Act contained shall be construed to render an oath necessary in any case where by law a solemn affirmation may be made instead thereof.

97. All crimes and offences which have been committed against any former Act for punishing mutiny and desertion, and for the better payment of the army and their quarters, or against any Act for punishing mutiny and desertion of officers and soldiers in the service of the East India Company, or against any of the Articles of War made and established by virtue of either of the same, may, during the continuance of this Act, be tried and punished in like manner as if they had been committed against this Act; and every warrant for holding any court-martial under any such former Act shall remain in full force, and all proceedings of courts-martial convened and held under any such warrant shall be continued, notwithstanding the expiration of such Act: Provided always, that no person shall be liable to be tried or punished for any offence against any of the said Acts or Articles of War which shall appear to have been committed more than three years before the date of the warrant for such trial, unless the person accused, by reason of his having absented himself, or of some other manifest impediment, shall not have been amenable to justice within that period, in which case such person shall be liable to be tried at any time not exceeding two years after the impediment shall have ceased.

Offences against former Mutiny Acts and Articles of War.

98. It shall be the duty of all officers and soldiers to observe and conform to the provisions contained in "The Regimental Debts Act, 1863," and in the regulations for the better execution of the purposes of the said Act prescribed from time to time by warrant under the Royal Sign Manual.

Officers and soldiers to conform to 26 & 27 Vict. c. 57., &c.

99. In all places in India where any body of Her Majesty's forces may be serving situate beyond the jurisdiction of any court of small causes established by or under the authority of the Governor General of India in Council, actions of debt and all personal actions against officers or against persons licensed to act as sutlers, or other persons amenable to the provisions of this Act not being soldiers, shall be cognizable before a court of requests composed of military officers, and not elsewhere, provided the value in question shall not exceed four hundred rupees, and that the defendant was a person of the above description when the cause of action arose, which court the commanding officer of any camp, garrison, cantonment, or military post, is hereby authorised and empowered to convene. Whenever owing to paucity of officers, or to any other cause, a court of requests cannot conveniently be held at the station where the defendant or defendants may be, it shall be lawful for the officer commanding the division or district to authorise the assembly of a court by the officer commanding at the nearest place where such court can be formed. Courts of requests shall in all practicable cases consist of five commissioned officers, and in no instance of less than three, and the president thereof shall in all practicable cases be a field officer,

Where troops are serving beyond the jurisdiction of the courts of requests, &c., actions of debt not exceeding 400 rupees to be cognizable by a military court.

and in no case be under the rank of a captain, and every member shall have served five years as a commissioned officer; and the president and members assisting at any such court, before any proceedings be had before it, shall take the following oath, which oath shall be administered by the president of the court to the other members thereof, and to the president by any member having first taken the oath; (that is to say,)

'I swear, that I will duly administer justice according to the evidence in the matters that shall be brought before me. So help me GOD.'

And all witnesses before any such court shall be examined in the same manner as in the case of a trial by courts-martial. All actions of debt and personal actions against persons, not being soldiers, amenable to this Act within the jurisdiction of any court of small causes shall be cognizable by such court to the extent of its powers; and all such actions where the amount sued for exceeds four hundred rupees shall be cognizable by a civil court or court of small causes only; and it shall be competent for any civil court or court of small causes, or for any military court of requests held in lieu thereof under the authority of this section, upon finding or awarding any debt or damage, either to award execution thereof generally, or to direct specially that the whole or any part thereof shall be stopped and paid over to the plaintiff out of any part not exceeding one half of any pay or allowance, or out of any other public money which may respectively be coming to the defendant in the current or any future month or months, or to direct the same to be so paid by instalments. In regard to awards of execution general civil courts and courts of small causes shall proceed in accordance with the rules of procedure for such courts in India; and in all cases where execution shall be awarded generally by a military court of requests, the debt, if not paid forthwith, shall be levied by seizure and public sale of such of the defendant's goods and property as may be found within the camp, garrison, cantonment, or military post, under a written order of the commanding officer, grounded on the judgment of the court, and all orders of such commanding officer as to the manner of such sale, or the person by whom the same shall be made, or otherwise respecting the same, shall be valid and binding; and any goods and property of the defendant found within the limits of the camp, garrison, cantonment, or military post to which the defendant shall belong at any subsequent time shall be liable to be seized and sold in like manner in satisfaction of any remainder of such debt or damages; and if any question shall arise whether any such effects or property are liable to be taken in execution as aforesaid, the decision and order of the said commanding officer shall be final and conclusive with respect to the same, and if sufficient goods shall not be found within the limits

of the camp, garrison, cantonment, or military post, then any public money or any part not exceeding one half of the pay or allowances accruing to the defendant shall be stopped in liquidation of such debt or damages; and if such defendant shall not receive pay as an officer or from any public department, but be a sutler, servant, or follower, he may be arrested by like order of the commanding officer, and imprisoned in some convenient place within the military boundaries for any period not exceeding two months, unless the debt be sooner paid; and the said commanding officer shall not, nor shall any person acting on his orders in respect of the matters aforesaid, incur any liability to any person or persons whomsoever for any act done by him in pursuance of the provisions aforesaid; and in cases where the said court shall direct specially that the whole or any part of the debt or damages shall be stopped and paid out of part of any pay and allowances, or out of any public money, the same shall be stopped and paid accordingly in conformity with direction: Provided always, that nothing herein-before contained shall enable any such action as aforesaid to be brought in a military court of requests by any officer or soldier against any officer: Provided also, that the articles of military equipment of any defendant shall not be deemed "goods and property" under this section.

Provisions relating to courts-martial on officers and soldiers of Her Majesty's Indian forces.

100. The government of any of the presidencies in India may suspend the proceedings of any court-martial held in India on any officer or soldier belonging to Her Majesty's Indian forces within such presidencies respectively; and if any officer belonging to Her Majesty's Indian forces shall think himself wronged by the officer commanding the regiment, and shall upon due application made to him not receive the redress to which he may consider himself entitled, he may complain to his commander-in-chief in order to obtain justice, who is hereby required to examine into such complaint, and thereupon, either by himself or by his adjutant general, to make his report to the government of the presidency to which such officer belongs, in order to receive the further directions of such government.

As to trial of officers and soldiers serving in India.

101. Any officer or soldier, or other person subject to this Act, who shall be serving in the territories of any foreign state in India or in any country in India under the protection of Her Majesty, or at any place in Her Majesty's dominions in India (other than Prince of Wales Island, Singapore, or Malacca), at a distance of upwards of one hundred and twenty miles from the presidencies of Fort William, Fort Saint George, and Bombay respectively, and who shall be accused of having committed any offence which, if committed in England would be punishable by the criminal law there, may, if the same be also punishable under the Indian penal code for the time being, be tried by a general court-martial to be appointed by

the general or other officer commanding in chief in such place for the time being, and, if found guilty, shall be liable to be sentenced by such court-martial to suffer such punishment as may legally be awarded by any of Her Majesty's courts of criminal jurisdiction within Her Majesty's dominions of India in respect of a like offence committed within the jurisdiction of such last-mentioned court; but no sentence of a general court-martial for any such offence shall be carried into execution until the same shall have been duly confirmed; and it shall be lawful for such general or other officer commanding in chief as aforesaid to confirm the sentence of any such general court-martial; and such general or other officer as aforesaid may, if he shall think fit, suspend, mitigate, or remit the sentence; or, in the case of a sentence of penal servitude, may commute the same to imprisonment, with or without hard labour, for such period as to him shall seem fit: Provided always, that in all cases wherein a sentence of death or penal servitude shall have been awarded by any such general court-martial held for the trial of a commissioned officer, or where a sentence of death shall have been awarded by any such general court-martial held for the trial of any person subject to this Act other than a commissioned officer, such sentence shall not be carried into execution until it shall have been duly approved by the Governor General in Council, or Governor in Council of the presidency in the territories subordinate to which the offender shall have been tried: Provided also, that any person who may have been so tried as aforesaid shall not be tried for the same offence by any other court whatsoever.

No court-martial shall, in respect of the conduct of its proceedings, or the reception or rejection of evidence, be subject to the provisions of the "Indian Evidence Act, 1872," or any Act of any legislature, other than the Parliament of the United Kingdom.

Interpretation.

102. The words Commander-in-Chief in this Act shall be held to include the field marshal or other officer commanding in chief Her Majesty's forces for the time being.

Amendment of Army Enlistment Act, 1870.

103. The sixth section of the Army Enlistment Act, 1870, shall be amended as follows; that is to say,

The Secretary of State may, from time to time, by any general or special regulation, permit recruits to be enlisted for particular regiments or corps, and in such case they shall be attached to such regiment or corps; and the word corps shall in this Act, and in the Army Enlistment Act, 1870, as to future enlistments, include a brigade constituted of two or more regiments associated by general order or royal warrant for the purposes of enlistment or service.

Militia may be attached to regular forces.

104. Her Majesty may, by order of one of her Principal Secretaries of State, and subject to such conditions as may be

determined by him, attach to any corps of the army in the United Kingdom any regiment or regiments of militia, and the officers, non-commissioned officers, and men (including the permanent staff) of any such regiment or regiments so attached shall be deemed for all purposes to form part of the corps to which they are attached: Provided that no person belonging to the militia shall be required to serve for a longer period, or in any other country, than that during and in which he might have been required to serve, or shall be liable to any greater punishment than that to which he might have been subjected, if this Act had not passed.

Yeomanry or volunteers may be attached to regular forces.

105. Her Majesty may, by order of one of her Principal Secretaries of State, and subject to such conditions as may be determined by him, attach to any corps of the army in the United Kingdom any corps of yeomanry or volunteers, and the officers, non-commissioned officers, and men (including the permanent staff) of any corps so attached shall be deemed for all purposes to form part of the corps of the army to which they are attached: Provided that no person belonging to the yeomanry or volunteers shall be required to serve in any other manner than that in which he might have been required to serve, or shall be liable to any greater punishment than that to which he might have been subjected, if this Act had not passed.

Liability of soldier to maintain wife and children.

106. Notwithstanding anything in this Act contained, a soldier shall be liable to contribute to the maintenance of his wife and of his children, and also to the maintenance of any bastard child of which he may be proved to be the father, to the same extent as if he were not a soldier, but execution shall not issue against his military necessaries or equipments, nor shall he be liable to be imprisoned or taken out of Her Majesty's service in consequence of such liability or any order made for enforcing the same; nor shall he be liable to be punished as an idle or disorderly person, or as a rogue and vagabond, or as an incorrigible rogue, under the Act passed in the fifth year of the reign of King George the Fourth, chapter eighty-three, intituled "An Act for the punishment of "idle and disorderly persons and rogues and vagabonds in "that part of Great Britain called England," or under any other Act of Parliament, for the offence of neglecting to maintain his family or any member thereof, or of leaving his family or any member thereof chargeable to any parish, township, or place, or combination of parishes, or to the common fund of any union, nor shall he in Ireland be liable to be convicted under the Act passed in the session of Parliament held in the tenth and eleventh years of the reign of Her present Majesty, intituled "An Act to make provision for the punishment of "vagrants and persons offending against the laws in force for "the relief of the destitute poor in Ireland," for the offence of

deserting or wilfully neglecting to maintain his wife or any child whom he may be liable to maintain, so that such wife or child shall become destitute and be relieved in or out of the workhouse of any union in Ireland.

When any order is made under the Acts relating to the relief of the poor, or under the Bastardy Acts, on a soldier, or, in Scotland, decree is pronounced by a court of law, having jurisdiction, in an action of aliment or filiation and aliment against a soldier, for the maintenance of his wife or children, or for the maintenance of any such bastard child as aforesaid, or any of such persons, or where, in Ireland, any civil bill decree has been made for the cost of the maintenance of any illegitimate child against any soldier being the putative father of such child, under the provisions of the Act passed in the session of Parliament held in the twenty-sixth and twenty-seventh years of the reign of Her present Majesty, intituled "An Act to amend the law enabling Boards of Guardians to "recover costs of maintenance of illegitimate children in cer-"tain cases in Ireland," or when any order or decree has been made on or against any soldier for the recovery of the cost of any relief given to the wife or child of such soldier under the Acts relating to the relief of the poor in Ireland by way of loan, a copy of such order or decree shall be left at the office of one of Her Majesty's Principal Secretaries of State, and the said Secretary of State may withhold a portion not exceeding sixpence of the daily pay of a non-commissioned officer who is not below the rank of sergeant, and not exceeding threepence of the daily pay of any other soldier, and allot the sum so withheld in liquidation of the sum adjudged to be paid by such order or decree.

Where a summons is issued against a soldier under the said Acts or any of them, or an action is raised against him at common law or under any Act of Parliament, for the purpose of enforcing against him any such liability as aforesaid, and such soldier is quartered out of the petty sessional division in which the summons is issued, or out of the jurisdiction of the court in which the action is raised, the summons shall be served on his commanding officer, and such service shall not be valid unless there be left therewith, or along with the service copy thereof, in the hands of the commanding officer, a sum of money to be adjudged as costs incurred in obtaining the order or decree (should an order be obtained or decree pronounced against the soldier) sufficient to enable him to attend the hearing of the case and return to his quarters; and no summons whatever under the said Acts or any of them, or at common law, shall be valid against a soldier if served after the time at which an order has been given for the embarkation for service out of the United Kingdom of the body of troops to which the soldier belongs.

107. This Act shall be and continue in force within Great Britain from the twenty-fifth day of April one thousand eight hundred and seventy-five inclusive until the twenty-fifth day of April one thousand eight hundred and seventy-six; and shall be and continue in force within Ireland, and in Jersey, Guernsey, Alderney, Sark, and Isle of Man, and the islands thereto belonging, from the first day of May one thousand eight hundred and seventy-five inclusive until the first day of May one thousand eight hundred and seventy-six; and shall be and continue in force within the garrison of Gibraltar, the Mediterranean, and in Spain and Portugal, from the first day of August one thousand eight hundred and seventy-five inclusive until the first day of August one thousand eight hundred and seventy-six; and shall be and continue in force in all other parts of Europe where Her Majesty's forces may be serving, and in the West Indies and America, from the first day of September one thousand eight hundred and seventy-five inclusive until the first day of September one thousand eight hundred and seventy-six; and shall be and continue in force in India, and within the Cape of Good Hope, the Isle of France or Mauritius and its dependencies, Saint Helena, and the settlements on the western coast of Africa, from the first day of January one thousand eight hundred and seventy-six inclusive until the first day of January one thousand eight hundred and seventy-seven; and shall be and continue in force within British Columbia and Vancouver's Island from the date of the promulgation thereof in general orders there inclusive until the first day of January one thousand eight hundred and seventy-seven; and shall be and continue in force in all other places from the first day of February one thousand eight hundred and seventy-seven inclusive until the first day of February one thousand eight hundred and seventy-eight: Provided always, that this Act shall, from and after the receipt and promulgation thereof in general orders in any part of Her Majesty's dominions or elsewhere beyond the seas, become and be in full force, anything herein stated to the contrary notwithstanding.

Duration of this Act.

SCHEDULE referred to by the foregoing Act.

FORM of OATH to be taken by a MASTER whose APPRENTICE has absconded.

I of do make oath, that I am by trade a and that was bound to serve as an apprentice to me in the said trade, by indenture dated the day of , for the term of years; and that the said did on or about the day of abscond and quit my service without my consent; and that to the best of my knowledge and belief the said is aged about years. Witness my hand at the day of one thousand eight hundred and

Sworn before me at this day of one thousand eight hundred and

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FORM of JUSTICE'S CERTIFICATE to be given to the MASTER of an APPRENTICE.

to wit. } I one of Her Majesty's justices of the peace of certify, that of came before me at the day of one thousand eight hundred and , and made oath that he was by trade a , and that was bound to serve as an apprentice to him in the said trade, by indenture dated the day of , for the term of years; and that the said apprentice did on or about the day of abscond and quit the service of the said without his consent, and that to the best of his knowledge and belief the said apprentice is aged about years.

FORM of OATH to be taken by a MASTER whose indentured LABOURER in any of Her Majesty's colonies or possessions has absconded.

I of do make oath, that was bound to me to serve as an indentured labourer by indenture dated the day of for the term of years, and that the said did on or about the day of abscond and quit my service without my consent.

Witness, *&c.* [*as for apprentice.*]

FORM of JUSTICE'S CERTIFICATE to be given to the MASTER of an indentured LABOURER.

to wit. } I one of Her Majesty's justices of the peace of certify, that of came before me at the day of and made oath that was bound to serve as an indentured labourer to him by indenture dated the day of for the term of years, and that the said indentured labourer did on or about the day of abscond and quit the service of the said without his consent.

FORM of DECLARATION of ATTESTATION of a COMMISSARY'S ACCOUNTS.

I do solemnly and sincerely declare, that I have not applied any moneys or stores or supplies under my care or distribution to my own use, or to the private use of any other person by way of loan to such person or otherwise, or in any manner applied them, or knowingly permitted them to be applied, to any other than public purposes, according to the duty of my office.

Declared before me by the within-named } this day of }

Justice of the Peace of or *commander-in-chief*, or *second in command, et cætera, the army serving in et cætera* [*as the case may be*].

FORM of DECLARATION of a PAYMASTER'S ACCOUNTS.

I (1) do solemnly and sincerely declare, that the commissioned and non-commissioned officers, and all other persons belonging to the (2) have been mustered by (3) on the days prescribed, and in the manner directed by the regulations of the service.

Also, that the present account contains charges of pay and allowances for only such commissioned and non-commissioned officers, and other persons belonging to the (2) as were effective and entitled thereto during the periods set against their names, and that the true reason of every absence or circumstance affecting pay or allowances is also stated against their names and properly accounted for.

Also, that the sum for which I have taken credit in this account for the pay of commissioned officers has been actually paid to them respectively.

(1) Insert the Paymaster's name.

(2) Describe the corps.

(3) If the Paymaster musters, insert *me*; if otherwise, state by whom the musters were taken, adding the words, *to the best of my knowledge and belief*.

(4) Insert the amounts in words.

Also, that the whole of the sums for which I have taken credit in this account, amounting to (4) , have been actually and bonâ fide disbursed by me in conformity with the regulations of the service, and that the total sum received or drawn for the several services therein charged, including every receipt whatever, with which I am required to debit myself in this account, is (4)

_____ *Paymaster.*

Declared and subscribed before me, at this day of 187 . } _____ *a Justice of the Peace for* _____.

Paymaster's Sureties.		Premium on Policy of Guarantee.	
Names.	Addresses	Date when last paid.	Date when next due

Certified,

_____ *Paymaster.*

FORM of DECLARATION of ATTESTATION of the ACCOUNTS of a CONTROL PAYMASTER.

I HEREBY solemnly and sincerely declare, that this account, comprised in folios, is just and true, according to the best of my knowledge, information, and belief; and I make this declaration, conscientiously believing the same to be true.

_____ *Control Paymaster.*

Declared before me, at this day of 18 . } _____ *Justice of the Peace for* _____.

W.O. Form 87.

DESCRIPTIVE RETURN of who* at on the day of and was committed to confinement at on the day of as a deserter from the Bn. of the Regiment of .

* After the word "who" to be inserted either the words "was apprehended," or "surrendered himself," as the case may be.

Age - - - - -	
Height - - - - -	Feet. Inches.
Complexion - - - -	
Hair - - - - -	
Eyes - - - - -	
Marks - - - - -	
In uniform or plain clothes - -	
Probable date of enlistment, and where*	
Probable date of desertion, and from what place.	
Name, occupation, and address of the person by whom or through whose means the deserter was apprehended and secured.†	
Particulars in the evidence on which the prisoner is committed, and showing whether he surrendered or was apprehended, and in what manner, and upon what grounds. The fullest possible details to be given.	

* It should, if it can be ascertained, be herein-serted, in case of a recruit, whether he received pay other than enlisting money, or enlisting money only.

† It is important for the public service, and for the interest of the deserter, that this part of the return should be accurately filled up, and the details should be inserted by the magistrate in his own handwriting, or, under his direction, by his clerk.

I do hereby certify, that the prisoner has been duly examined before me as to the circumstances herein stated, and has declared in my presence that he‡ a deserter from the before-mentioned corps, and I recommend§ for a reward of *s.*

——— *Signature* } *of committing Magistrate.*
——— *Residence*
——— *Post Town*
——— *Signature of prisoner.*
——— *Signature of informant.*

‡ Insert *is* or *is not*, as the case may be.

§ It is requested that the magistrate will insert the name of the person to whom the reward is due, and the amount [5*s.*, 10*s.*, 15*s.*, or 20*s.*,] which, in his opinion, should be granted in this particular case.

CHAPTER 8.

An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore. [22d April 1875.]

WHEREAS it is judged necessary for the safety of the United Kingdom, and the defence of the possessions of this realm, that a body of Royal Marine forces should be employed in Her Majesty's fleet and naval service, under the direction of the Lord High Admiral of the United Kingdom, or the Commissioners for executing the office of Lord High Admiral aforesaid:

And whereas the said forces may frequently be quartered or be on shore, or sent to do duty or be on board transport ships or merchant ships or vessels, or ships or vessels of Her Majesty, or other ships or vessels, or they may be under other circumstances in which they will not be subject to the laws relating to the government of Her Majesty's forces by sea:

And whereas no man can be forejudged of life or limb, or subjected in time of peace to any kind of punishment within this realm, by martial law, or in any other manner than by the judgment of his peers, and according to the known and established laws of this realm; yet nevertheless it being requisite for the retaining of such forces in their duty that an exact discipline be observed, and that marines who shall mutiny or stir up sedition, or shall desert Her Majesty's service, or be guilty of any other crime or offence in breach of or to the prejudice of good order and discipline, be brought to a more exemplary and speedy punishment than the usual forms of the law will allow:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Power to Lord High Admiral, &c. to make Articles for the punishment of mutiny, desertion, &c.

1. It shall be lawful for the said Lord High Admiral, or the Commissioners for executing the office of Lord High Admiral aforesaid, from time to time to make, ordain, alter, and establish rules and Articles of War, under the hand of the said Lord High Admiral, or under the hands of any two or more of the said Commissioners, for the better government of Her Majesty's Royal Marine forces, and for the punishment of mutiny, desertion, immorality, breach of discipline, misbehaviour, neglect of duty, and any other offence or misconduct of which they shall be guilty, in any place on shore or afloat in or out of Her Majesty's dominions, or at any time when or under any circumstances in which they shall not be amenable to the laws for the government of Her Majesty's ships, vessels, and forces by sea, and for regulating the proceedings of courts-

martial, which rules and articles shall be judicially taken notice of by all judges and in all courts whatsoever; and copies of the same shall, as soon as conveniently may be after the same shall have been made, be transmitted by the Secretary of the Admiralty for the time being (certified under his hand) to the judges of Her Majesty's superior courts at Westminster, Dublin, and Edinburgh respectively, and also to the governors of Her Majesty's dominions abroad; provided that no person within the United Kingdom of Great Britain and Ireland or within the British Isles shall by such Articles of War be subject to suffer any punishment extending to life or limb, or to be kept in penal servitude, except for crimes which are by this Act expressly made liable to such punishment as aforesaid, or shall be subject, with reference to any crimes made punishable by this Act, to be punished in any manner which may be inconsistent with the provisions of this Act.

As to offences against former Mutiny Acts and Articles of War.

2. All crimes and offences committed against any former Act made for the regulation of the Royal Marine forces while on shore, or against any of the rules, regulations, or Articles of War made and established by virtue of the same, may, during the continuance of this Act, be tried, inquired of, and punished in like manner as if they had been committed against this Act; and every warrant for holding any court-martial under any former Act shall remain in full force notwithstanding the expiration of such Act; and all proceedings of any court-martial upon any trial begun under the authority of such former Act shall not be discontinued by the expiration of the same: Provided always, that no person shall be liable to be tried and punished for any offence against any of the said Acts or Articles of War which shall appear to have been committed more than three years before the date of the commission or warrant for such trial, unless the person accused, by reason of his having absented himself, or of some other manifest impediment, shall not have been amenable to justice within that period, in which case such person shall be liable to be tried at any time not exceeding two years after the impediment shall have ceased; and provided also, that if any officer or marine in any place beyond the seas shall commit any of the offences punishable by court-martial under this Act, and shall escape and come or be brought into this realm before he be tried for the same, he shall, when apprehended, be tried for the same as if such offence had been committed within this realm.

Limitation as to time.

Provisions of this Act to extend to Jersey, &c.

3. This Act shall extend to the islands of Jersey, Guernsey, Alderney, Sark, and Man, and the islands thereto belonging, as to the provisions herein contained for enlisting of recruits, whether minors or of full age, and swearing and attesting such recruits, and for mustering and paying, and to the pro-

visions for trial and punishment of officers and marines who shall be charged with mutiny and desertion or any other of the offences which are by this Act declared to be punishable by the sentence of a court-martial, and also to the provisions which relate to the punishment of persons who shall conceal deserters, or shall knowingly buy, exchange, or otherwise receive any arms, medals for good conduct or for distinguished or other service, clothes, military furniture, or regimental necessaries from any marine or deserter, or who shall cause the colour of any such clothes to be changed; and also to the provisions for exempting marines from being taken out of Her Majesty's service for not supporting or for leaving chargeable to any parish any wife or child or children, or on account of any breach of contract to serve or work for any employer, or on account of any debts under thirty pounds in the said islands.

The ordinary course of law not to be interfered with.

4. Nothing in this Act contained shall be construed to extend to exempt any officer or marine from being proceeded against by the ordinary course of law when accused of felony or misdemeanor, or of any misdemeanor other than the misdemeanor of refusing to comply with an order of justices for the payment of money; and any commanding officer who shall neglect or refuse, when due application shall be made to him for that purpose, to deliver over to the civil magistrate any officer or marine, or who shall wilfully obstruct, neglect, or refuse to assist any peace officer in apprehending any such offender, shall, upon conviction thereof in any of Her Majesty's courts at Westminster, Dublin, or Edinburgh, be deemed to be thereupon cashiered, and shall be utterly disabled to hold any civil or military office or employment in Her Majesty's service; and a certificate of such conviction shall be transmitted to the Secretary of the Admiralty.

No person tried by civil power to be punished by court-martial for same offence except by cashiering, &c.

5. No person subject to this Act having been acquitted or convicted of any crime or offence by the civil magistrate or by the verdict of a jury shall be liable to be again tried for the same crime or offence by a court-martial, or to be punished for the same otherwise than by cashiering in the case of a commissioned officer, or in the case of a warrant officer by reduction to an inferior class, or to the rank of a private marine, by order of the Lord High Admiral, or the Commissioners for executing the office of Lord High Admiral, or in the case of a non-commissioned officer, by reduction to the ranks, by order of the commandant of the division to which such non-commissioned officer may belong; and whenever any officer or marine shall have been tried before a court of ordinary criminal jurisdiction, the clerk of the court or other officer having the custody of the records of such court, or the deputy of such clerk, shall, if required by the officer commanding the division to which such officer or marine belongs,

transmit to him a certificate containing the substance and effect only, omitting the formal part, of the indictment, conviction, and entry of judgment thereon or acquittal of such officer or marine, and shall be allowed for such certificate a fee of three shillings.

Marines to be subject to the discipline of the navy while on board ship.

6. All of Her Majesty's Royal Marine forces shall, during the time they shall be respectively borne on the books of or be on board any of Her Majesty's ships or vessels in commission, either as part of the complement or as supernumeraries, or otherwise, be subject and liable in every respect to the laws for the government of Her Majesty's forces by sea, and to the rules and discipline of the Royal Navy for the time being, and shall and may be proceeded against and punished for offences committed by them whilst so borne or on board, in the same manner as the officers and seamen employed in the Royal Navy may be tried or punished; except when and so long as any marine officers or marines shall be landed from any of Her Majesty's ships, and be employed in military operations on shore, and when on such occasions the senior naval officer present shall deem it expedient to issue an order declaring that such marine officers and marines shall during such employment on shore be subject to the regulations of this Act, in which cases, and while such order shall remain in force, they shall be subject to such regulations, and be tried and punished under this Act accordingly for any offences to be committed by them while so on shore; and with or without any commission or warrant from the said Lord High Admiral or the said Commissioners for that purpose, the officer commanding in chief or commanding for the time being any such marine officers or marines shall have power and authority to convene, and to authorise any officer to convene, courts-martial under this Act, as occasion may require, for the trial of offences committed by any of the Royal Marine forces, whether the same shall have been committed before or after such officer shall have taken upon himself such command: Provided always, that if any marine officer or marine so borne on the books of any of Her Majesty's ships or otherwise shall commit any offence for which he shall not be amenable to a naval court-martial, he may be tried and punished for the same in the same manner as other officers or marines may be tried and punished for the like offences under the authority of this Act; or if the Commissioners for executing the office of Lord High Admiral aforesaid so direct, he may be so tried and punished for any offence committed by him on shore, whether he be or be not amenable to a naval court-martial for the same.

Power to Lord High Admiral, &c. to grant commissions

7. It shall be lawful for the said Lord High Admiral, or the Commissioners for executing the office of Lord High Admiral aforesaid, from time to time to grant commissions or warrants

for holding general courts-martial, &c.

under the hand of the said Lord High Admiral, or under the hands of any two or more of the said Commissioners, for the holding of general and other courts-martial within the United Kingdom of Great Britain and Ireland, and elsewhere out of the same, in like manner as has been heretofore used, and for bringing offenders against this Act and the Articles of War to justice, and to erect and constitute courts-martial, as well within the said United Kingdom and the British Isles as in any of Her Majesty's garrisons or dominions or elsewhere beyond the seas, and to grant commissions or warrants to the officer or officers commanding in chief or commanding for the time being any of Her Majesty's Royal Marine forces, as well within the said United Kingdom as Her Majesty's other dominions, and in any foreign parts out of the same dominions, for convening, as well as for authorising any officer to convene, courts-martial, as occasion may require, for the trial of offences committed by any of the Royal Marine forces, whether the same shall have been committed before or after such officer shall have taken upon himself such command, or before or after any such commission or warrant shall be granted, provided that the officer so authorised be not below the degree of a field officer, except in detached situations beyond seas, where a captain may be authorised to convene district or garrison courts-martial; and any person subject to this Act who shall, in any of Her Majesty's dominions or elsewhere, commit any of the offences for which he may be liable to be tried by court-martial by virtue of this Act or of the Articles of War, may be tried and punished for the same in any part of Her Majesty's dominions, or other place where he may have come or be after the commission of the offence, as if the offence had been committed where such trial shall take place.

Place where offenders may be tried.

Power of general courts-martial.

8. Every general court-martial convened within the United Kingdom or the British Isles shall consist of not less than nine commissioned officers, each of whom shall have held a commission for three years before the date of the assembly of the court. Every general court-martial shall have power to sentence any officer of marines or marine to suffer death, penal servitude, imprisonment, forfeiture of pay or pension, or any other punishment which shall accord with the usage of the service; but no sentence of death by a court-martial shall pass unless two thirds at least of the officers present shall concur therein. No sentence of penal servitude shall be for a period of less than five years, and no sentence of imprisonment shall be for a period longer than two years.

Powers of district or garrison courts-martial.

9. Every district or garrison court-martial convened within the United Kingdom or the British Isles shall consist of not less than seven commissioned officers, and shall have the same power as a general court-martial to sentence any marine to

such punishments as shall accord with the provisions of this Act; provided that the sentence of a district or garrison court-martial shall be confirmed by the general officer, governor, or senior officer in command of the district, garrison, island, or colony, and that no such district or garrison court-martial shall have power to try a commissioned officer, or to pass any sentence of death or penal servitude.

Powers of divisional and detachment courts-martial.

10. A divisional or detachment court-martial shall consist of not less than five commissioned officers, unless it be found impracticable to assemble that number, in which case three shall be sufficient, and shall have power to sentence any marine to corporal punishment or to imprisonment, and forfeiture of pay, in such manner as shall accord with the provisions of this Act.

Courts-martial on line of march or in transport ships, &c.

11. In cases of mutiny and insubordination accompanied with personal violence or of other offences committed on the line of march, or on board any transport ship, convict ship, or merchant vessel, the offender may be tried by a divisional or detachment court-martial, and the sentence may be confirmed and carried into execution on the spot by the officer in immediate command, provided that the sentence shall not exceed that which a divisional court-martial is competent to award.

Powers of detachment general courts-martial.

12. It shall be lawful for any officer commanding any detachment or portion of Her Majesty's Royal Marine forces, upon complaint made to him of any offence committed against the property or person of any inhabitant of or resident in any country in which Her Majesty's Royal Marine forces are so serving by any person under the immediate command of any such officer, to summon and cause to be assembled a detachment general court-martial, which shall consist of not less than three commissioned officers, for the trial of any such person, notwithstanding such officer shall not have received any warrant empowering him to assemble courts-martial; and every such court-martial shall have the same powers in regard to summoning and examining witnesses, trial of and sentence upon offenders, as are granted by this Act to general courts-martial: Provided always, that no sentence of any such detachment court-martial shall be executed until the officer commanding the army to which the division, brigade, detachment, or party to which any person so tried shall belong shall have approved and confirmed the same.

Officers of the marine and land forces may sit in conjunction on courts-martial.

13. When it is necessary or expedient, a court-martial composed exclusively of officers of the Royal Marines, or a court-martial composed of officers of Her Majesty's Army, or of Her Majesty's Indian Army, or of both or of either, together with officers of the Royal Marines, whether the commanding officer by whose order such court-martial is assembled belongs

to the land or to the marine forces, may try a person belonging to any one of the said three services; provided that when the person to be tried shall belong to Her Majesty's Royal Marine forces, then the provisions of this Act, or of such Act as shall be then and there in force for the regulation of Her Majesty's Royal Marine forces while on shore, and the oaths therein respectively prescribed, and the Rules and Articles of War relating to the Royal Marines then and there in force, shall be applicable to such court, and the proceedings thereof and relating thereto; but where the person to be tried shall belong to Her Majesty's Army, or shall belong to Her Majesty's Indian Army, and be within the United Kingdom, then the proceedings of such court shall be regulated as if the court were composed of officers of Her Majesty's Army only, and the provisions of the Act then and there in force for the punishment of mutiny and desertion, and for the better payment of the army and their quarters, and the oaths therein prescribed, and the Rules and Articles of War relating to Her Majesty's Army then and there in force, shall be applicable to such court, and the proceedings thereof and relating thereto; and where the person to be tried shall belong to Her Majesty's Indian Army, and be out of the United Kingdom, the provisions of such Act or Acts as shall be then and there in force for punishing mutiny and desertion of officers and soldiers in Her Majesty's Indian Army, and the Rules and Articles of War, if any, relating to such officers and soldiers then and there in force, shall be applicable to such court, and the proceedings thereof and relating thereto.

If no superior officer of land forces is present in command of a district, &c., an officer of marines may convene a court-martial.

14. Provided there be no superior officer of Her Majesty's land forces present in command of a district, garrison, station, or place where marines may be serving, it shall be lawful for any officer of the Royal Marine corps of the degree of a field officer, and holding a commission from the Lord High Admiral, or the Commissioners for executing the office of Lord High Admiral, for that purpose, but not otherwise, to convene or assemble a district or garrison court-martial, to be composed as before stated, and for such court to proceed to try any marine or marines below the rank of commissioned officer for any of the offences cognizable by a district or garrison court-martial; but the sentence so awarded by any such court shall not be carried into effect until the senior officer of the Royal Marines in the district, garrison, station, or place, not being a member of the court, shall have confirmed the same: Provided always, that if there be any such superior officer of Her Majesty's land forces present in command of the district, garrison, station, or place where marines may be, in such case it shall be lawful for him to convene or assemble such district or garrison court-martial for the trial of any marine or marines below the rank of a commissioned officer, and for such court-

martial to try any such marine or marines in conformity with the provisions of this Act and the Articles of War to be made in pursuance hereof; but the sentence which may be awarded by any such court which may be convened or assembled by any such superior officer shall not be carried into effect until such superior officer shall have confirmed the same.

15. The president of every court-martial shall be appointed by or under the authority of the officer convening such courts, and shall in no case be the confirming officer, or the officer whose duty it has been to investigate the charges on which the prisoner is to be arraigned, nor, in the case of a general court-martial, under the degree of a field officer, unless where a field officer cannot be had, nor in any case whatsoever under the degree of a captain, save in the case of a detachment general court-martial holden out of Her Majesty's dominions or of a divisional or detachment court-martial holden on the line of march, or on board a transport ship, convict ship, merchant vessel, or troop ship not in commission, or on any foreign station where a captain cannot be had: Provided always, that in the case of a detachment general court-martial holden out of Her Majesty's dominions the officer convening such court may be the president thereof. **President of courts-martial.**

16. In all trials by court-martial, as soon as the president and other officers appointed to serve thereon shall be assembled, their names shall be read over in the hearing of the prisoner, who shall thereupon be asked if he objects to being tried by the president or by any of such officers, and if the prisoner shall then object to the president, such objection, unless disallowed by two thirds at least of the other officers appointed to form the court shall be referred to the decision of the authority by whom such president shall have been appointed; but if he object to any officer other than the president, such objection shall be decided by the president and the other officers so aforesaid appointed to form the court; and when the place of the president or other officer in respect of whom any challenge shall have been made and allowed shall be supplied by some officer in respect of whom no challenge shall be made or allowed, or if no challenge whatever shall have been made, or, if made, not allowed, the president and the other officers composing a general court-martial shall take the oaths in the schedule to this Act annexed before the judge advocate or his deputy or person officiating as judge advocate, and on trials by other courts-martial before the president of such court, who are hereby respectively authorised to administer the same, and any sworn member may administer the oath to the president; and as soon as the said oaths shall have been administered to the respective members, the president of the court is hereby authorised and required to administer to the judge advocate, or the person officiating as such, the oath in **Proceedings at trial.**

the schedule to this Act annexed; and no proceeding or trial shall be had upon any offence but between the hours of eight of the clock in the morning and four in the afternoon, except in cases which require an immediate example, and except in the East Indies, where such proceedings or trial may be had between the hours of six in the morning and four in the afternoon.

Swearing and summoning witnesses.

17. All general and other courts-martial shall have power and authority and are hereby required to administer an oath to every witness or other person who shall be examined before such court in any matter relating to any proceeding before the same; and every person, as well civil as military, who may be required to give or produce evidence before a court-martial, shall, in the case of general courts-martial, be summoned by the judge advocate, or the person officiating as such, and in the case of all other courts-martial by the president of the court; and all persons so summoned and attending as witnesses before any court-martial shall, during their necessary attendance in or on such courts, and in going to and returning from the same, be privileged from arrest, and shall, if unduly arrested, be discharged by the court out of which the writ or process issued by which such witness was arrested; or if such court be not sitting, then by any judge of the superior courts of Westminster or Dublin, or of the Court of Session in Scotland, or of the courts of law in the East or West Indies, or elsewhere, according as the case shall require, upon its being made to appear to such court or judge by any affidavit in a summary way that such witness was arrested in going to, attending upon, or returning from or attending upon such court-martial; and all witnesses so duly summoned as aforesaid who shall not attend on such courts, or attending shall refuse to be sworn, or not produce the documents being under their power or control required to be produced by them, or, being sworn, shall refuse to give evidence or to answer all such questions as the court may legally demand of them, shall be liable to be attached in the Court of Queen's Bench in London or Dublin, or in the Court of Session, sheriff or stewart courts in Scotland, or in the courts of law in the East or West Indies, or in any of Her Majesty's colonies, garrisons, or dominions in Europe or elsewhere, respectively, upon complaint made, in like manner as if such witness had, after being duly summoned or subpœnaed, neglected to attend on a trial in any proceeding in the court in which such complaint shall be made.

No second trial, but revision allowed.

18. No officer or marine who shall be acquitted or convicted of any offence shall be liable to be tried a second time by the same or any other court-martial for the same offence; and no finding, opinion, or sentence given by any court-martial, and signed by the president thereof, shall be revised more than once, nor shall any additional evidence in respect of any charge

on which the prisoner then stands arraigned be received by the court on any revision.

Crimes punishable with death.

19. If any person who is or shall be commissioned or in pay as an officer of Royal Marines, or who is or shall be listed or in pay as a non-commissioned officer, drummer, or private man in Her Majesty's Royal Marine forces, shall at any time during the continuance of this Act, while on shore in any place within the said kingdom, or in any other of Her Majesty's dominions, or in any foreign parts out of such dominions, or on board any transport ship, or merchant ship or vessel, or any ship or vessel of Her Majesty, or on board any convict hulk or ship, or any other ship or vessel, or in any place whatever, where or while being in any circumstances in which he shall not be subjected to, or not be liable to or punishable by, the laws relating to the government of Her Majesty's forces by sea, begin, excite, cause, or join in any mutiny or sedition in Her Majesty's marine or other forces, or shall not use his utmost endeavours to suppress any such mutiny or sedition, or shall conspire with any other person to cause a mutiny, or coming to the knowledge of any mutiny or intended mutiny shall not without delay give information thereof to his commanding officer; or shall misbehave himself before the enemy; or shall shamefully abandon or deliver up any garrison, fortress, post, or guard committed to his charge, or which he shall have been commanded to defend; or shall compel the governor or commanding officer of any garrison, fortress, or post to deliver up to the enemy or to abandon the same; or shall speak words or use any other means to induce such governor or commanding officer or any other to misbehave before the enemy, or shamefully to abandon or deliver up any garrison, fortress, post, or guard committed to their respective charge, or which he or they shall be commanded to defend; or shall leave his post before being regularly relieved, or shall sleep on his post; or shall hold correspondence with or give advice or intelligence to any rebel, pirate, or enemy of Her Majesty, either by letters, messages, signs, tokens, or any other ways or means whatever; or shall treat or enter into any terms with any such rebel, pirate, or enemy, without the license of the Lord High Admiral of the said United Kingdom, or the Commissioners for executing the office of Lord High Admiral aforesaid, for the time being; or shall strike or use or offer any violence against his superior officer being in the execution of his office, or shall disobey any lawful command of his superior officer; or who being confined in a military prison shall offer any violence against a visitor or other officer being in the execution of his office, or shall violate any law or regulation of or relating to any military prison; or shall desert from Her Majesty's Royal Marine forces; every person so offending in any of the matters before mentioned, whether such offence be committed within

this realm, or in any other of Her Majesty's dominions, or in foreign parts upon land or upon the sea, shall suffer death or penal servitude or such other punishment as by a court-martial shall be awarded: Provided always, that any non-commissioned officer or marine in pay in any division or company who shall, without having first obtained a regular discharge therefrom, enlist himself in any other division or company, or in any other branch of Her Majesty's service, may be deemed to have deserted Her Majesty's service, and shall be liable to be punished accordingly.

Commutation of death for penal servitude or imprisonment, &c.

20. In all cases where the punishment of death shall have been awarded by a general court-martial or by a detachment general court-martial it shall be lawful for Her Majesty, or, if in any place out of the United Kingdom or British Isles, for the commanding officer having authority to confirm the sentence, instead of causing such sentence to be carried into execution, to order the offender to be kept to penal servitude for any term not less than five years, or to suffer such term of imprisonment, with or without hard labour, and with or without solitary confinement, as shall seem meet to Her Majesty or to the officer commanding as aforesaid.

Embezzlement punishable by penal servitude, imprisonment, &c.

21. Any officer or marine, or any person employed or in any way concerned in the care or distribution of any money, provisions, forage, arms, clothing, ammunition, or other stores belonging to any of Her Majesty's forces or for Her Majesty's use, who shall embezzle, fraudulently misapply, wilfully damage, steal, or receive the same knowing them to have been stolen, or shall be concerned therein or connive thereat, may be tried for the same by a general court-martial, and sentenced to be kept in penal servitude for any term not less than five years, or to suffer such punishment of fine, imprisonment, with or without hard labour, dismissal from Her Majesty's service, reduction to the ranks, if a warrant or non-commissioned officer, as such court shall think fit, according to the nature and degree of the offence; and every such offender shall, in addition to any other punishment, make good at his own expense the loss and damage sustained; and in every such case the court is required to ascertain by evidence the amount of such loss or damage, and to declare by their sentence that such amount shall be made good by such offender; and the loss and damage so ascertained as aforesaid shall be a debt to Her Majesty, and may be recovered in any of Her Majesty's courts at Westminster or in Dublin, or the Court of Exchequer in Scotland, or in any court in Her Majesty's colonies where the person sentenced by such court-martial shall be resident after the said judgment shall be confirmed and made known, or the offender, if he shall remain in the service, may be put under stoppages not exceeding one half of his pay and allowances until the amount so ascertained shall be recovered.

22. Whenever Her Majesty shall intend that any sentence of penal servitude heretofore or hereafter to be passed upon any offender by any court-martial shall be carried into execution for the term specified in such sentence, or for any shorter term, or shall be graciously pleased to commute as aforesaid to penal servitude any sentence of death which shall have been passed by any such court, such sentence, together with Her Majesty's pleasure upon the same, shall be notified in writing by the Lord High Admiral, or by the Secretary to the Admiralty for the time being, to any justice of the Queen's Bench, Common Pleas, or baron of the Exchequer, and thereupon such justice or baron shall make an order for the penal servitude of such offender upon the terms and for the time which shall be specified in such notification, and shall do all such other acts consequent upon such notification as any such justice or baron is authorised to make or do by any statute or statutes in force at the time of making any such orders in relation to penal servitude of offenders; and such order, and other acts to be so made and done as aforesaid, shall be obeyed and executed by such person in whose custody such offender shall at that time be, and by all other persons whom it may concern, and shall be as effectual, and have all the same consequences, as any order made under the authority of any statute with respect to any offender in such statute mentioned; and every sheriff, gaoler, keeper, governor, or superintendent whom it may concern, and all constables and other persons, shall be bound to obey the aforesaid order and orders, be assistant in the execution thereof, and be liable to the same punishment for disobedience to or for interrupting the execution of such order, as they would be if the same had been made under the authority of any such Act of Parliament; and every person so ordered to be kept in penal servitude shall be subject respectively to all and every the penalties and provisions made by law and in force concerning persons under sentence of penal servitude, or receiving Her Majesty's pardon on condition of penal servitude; and from the time when such order of penal servitude shall be made every law and statute in force touching the escape of felons, or their afterwards returning or being at large without leave, shall apply to such offender, and to all persons aiding, abetting, contriving, or assisting in any escape or intended escape or the returning without leave of any such offender; and the judge who shall make any order of penal servitude as aforesaid shall direct the notification of Her Majesty's pleasure, and his own order made thereupon, to be filed and kept of record in the office of the Clerk of the Crown of the Court of Queen's Bench; and the said clerk shall have a fee of two shillings and sixpence only for filing the same, and shall, on application, deliver a certificate in writing (not taking more than two shillings and sixpence for the same) to such offender, or to

As to execution of sentences of penal servitude in the United Kingdom.

any person applying in his or Her Majesty's behalf, showing the Christian and surname of such offender, his offence, the place where the court was held before which he was convicted, the sentence, and the conditions on which the order of penal servitude was made; which certificate shall be sufficient proof of the conviction and of the sentence of such offender, and also of the terms in which such order for his penal servitude was made, in any court and in any proceeding wherein it may be necessary to inquire into the same; and it shall be lawful for any judge of the Queen's Bench, Common Pleas, or Exchequer in Ireland to make an order that any such offender convicted in Ireland shall be kept in penal servitude in England, and such order shall be in all respects as effectual in England as though such offender had been convicted in England and the order had been made by any judge of the Queen's Bench, Common Pleas, or Exchequer in England.

As to execution of sentences in the colonies.

23. Whenever any sentence of penal servitude heretofore or hereafter passed upon any offender by any court-martial holden in any part of Her Majesty's foreign dominions, or elsewhere beyond the seas, is to be carried into execution for the term specified in such sentence, or for any shorter term, or when sentence of death passed by any such court-martial has been or shall as aforesaid be commuted to penal servitude, the same shall be notified by the officer commanding Her Majesty's forces at the presidency or station where the offender may come or be, if in India to the chief judge or any judge of the chief civil court of the presidency or province in which the court-martial has been held; and if in any other part of Her Majesty's foreign dominions, to the chief justice or some other judge therein, who shall make order for the penal servitude or intermediate custody of such offender; and upon any such order being made it shall be duly notified to the governor of the presidency if in the East Indies, or to the governor of the colony if in any of Her Majesty's colonies, or to the person who shall for the time being be exercising the office of governor of such presidency or colony, who on receipt of such notification shall cause such offender to be removed or sent to some other colony or place, or to undergo his sentence within the presidency or colony where the offender was so sentenced or where he may come or be as aforesaid in obedience to the directions for the removal and treatment of convicts which shall from time to time be transmitted from Her Majesty through one of her Principal Secretaries of State to such presidency or colony; and such offender shall, according to such directions, undergo the sentence of penal servitude which shall have been passed upon him either in the presidency or colony in which he has been so sentenced or in the colony or place to which he has been so removed or sent, and whilst such sentence shall remain in force shall be liable

to be imprisoned and kept to hard labour, and otherwise dealt with under such sentence, in the same manner as if he had been sentenced to be imprisoned with hard labour during the term of his penal servitude by the judgment of a court of competent jurisdiction in such presidency or colony or in the colony or place to which he has been so removed or sent respectively.

Sentence of penal servitude may be commuted for imprisonment.

24. In any case where a sentence of penal servitude shall have been awarded by a general or detachment general court-martial, it shall be lawful for Her Majesty, or, if in any place out of the United Kingdom or British Isles, for the officer commanding in chief Her Majesty's forces there serving, instead of causing such sentence to be carried into execution, to order that the offender be imprisoned, with or without hard labour, and with or without solitary confinement, for such term not exceeding two years as shall seem meet to Her Majesty or to the officer commanding as aforesaid.

Of forfeitures, when combined with penal servitude.

25. Where an award of any forfeiture, or of deprivation of pay, or of stoppages of pay shall have been added to any sentence of penal servitude, it shall be lawful for the said Lord High Admiral or the said Commissioners, or, if in any place out of the United Kingdom or British Isles, for the officer commanding in chief Her Majesty's forces there serving, in the event of the sentence being commuted for imprisonment, to order such award of forfeiture, deprivation of pay, or stoppages of pay to be enforced, mitigated, or remitted as may be deemed expedient.

Disposal of convict after sentence of penal servitude.

26. When any sentence of death shall be commuted for penal servitude, or when any marine shall by court-martial be adjudged to penal servitude as authorised by this Act, it shall be lawful for the commanding officer of the division to which such marine shall have belonged or may belong to cause him to be detained and conveyed to any gaol or prison, there to remain in safe custody until he shall be removed therefrom by due authority under an order for his penal servitude to be made by some justice of the Queen's Bench or Common Pleas or baron of the Exchequer as aforesaid; and a certificate of his sentence, after the same shall have been approved by the Lord High Admiral, or the Commissioners for executing the office of Lord High Admiral, (such certificate to be signed by the commanding officer of the division from which he shall be sent,) shall be a sufficient order, requisition, and authority to the governor, keeper, or superintendent of the gaol or prison to receive and detain him: Provided always, that in case of any such offender being so conveyed to gaol or prison the usual allowance of sixpence per diem, or such other sum as the said Lord High Admiral or the said Commissioners may at any time or times direct, shall be made to the keeper of the

gaol or prison for the subsistence of such offender during his detention therein, which allowance shall be paid by the paymaster of the division, upon production to him, by the said governor, keeper, or superintendent, of a declaration, to be made by him before one of Her Majesty's justices of the peace of such county, of the number of days during which the offender shall have been so detained and subsisted in such gaol or prison.

Power to inflict corporal punishment in certain cases.

27. No court-martial shall, for any offence whatever committed in time of peace within the Queen's dominions, have power to sentence any marine to corporal punishment: Provided that any court-martial may sentence any marine to corporal punishment while on active service in the field, or on board any ship not in commission, for mutiny, insubordination, desertion, drunkenness on duty or on the line of march; and no sentence of corporal punishment shall exceed fifty lashes.

Power to inflict corporal punishment and imprisonment.

28. It shall be lawful for any general, district, or garrison court-martial to award imprisonment, with or without hard labour, and with or without solitary confinement, such confinement not exceeding the periods prescribed herein-after or by the Articles of War, and in case of a marine in addition to corporal punishment.

Power to commute corporal punishment.

29. In all cases in which corporal punishment shall form the whole or part of the sentence awarded by any court-martial, it shall be lawful for the Lord High Admiral of the United Kingdom of Great Britain and Ireland, or the Commissioners for executing the office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, or for the officer authorised to confirm the sentences of courts-martial, to commute such corporal punishment to imprisonment for any period not exceeding forty-two days, with or without hard labour, and with or without solitary confinement, or to mitigate such sentence, or instead of such sentence to award imprisonment for any period not exceeding twenty days, with or without hard labour, and with or without solitary confinement, and corporal punishment, to be inflicted in the prison, not exceeding twenty-five lashes, and the solitary confinement herein-before mentioned shall in no case exceed seven days at a time, with intervals of not less than seven days between each period of such confinement.

Power to commute a sentence of cashiering.

30. It shall be lawful for Her Majesty, in all cases whatsoever, instead of causing a sentence of cashiering to be put in execution, to order the offender to be reprimanded, or, in addition thereto, to suffer such loss of army or regimental rank, or both, as may be deemed expedient.

Forfeiture of pay and pension

31. Any general court-martial may, in addition to any other punishment which such court may award, sentence any

offender to forfeiture of all advantage as to additional pay, good-conduct pay, and to pension on discharge, which might have otherwise accrued from the length of his former service, or to forfeiture of such advantage absolutely, whether it might have accrued from past service, or might accrue from future service, or to forfeiture of any annuity and medal which may have been granted for former meritorious service, or of the gratuity and medal awarded for former good conduct, and of all medals and decorations, according to the nature of the case; and any district or garrison court-martial may also, in addition to any punishment which such court may award, sentence any offender to such forfeiture for desertion, or for disgraceful conduct, by sentence of court-martial.

In wilfully maiming or injuring himself or any other marine, whether at the instance of such other marine or not, or of causing himself to be maimed or injured by any other person, with intent thereby to render himself or such other marine unfit for service:

In wilfully doing any act, or wilfully disobeying any orders, whether in hospital or otherwise, thereby producing or aggravating disease or infirmity, or delaying his cure:

In malingering or feigning disease:

In tampering with his eyes, with intent thereby to render himself unfit for service:

In stealing or embezzling Government property or stores, or in receiving the same knowing the same to have been stolen:

In stealing any money or goods the property of a comrade, of a marine officer, or of any marine mess or band, or in receiving any such money or goods knowing the same to have been stolen:

In making any false or fraudulent accounts, returns, matters, or entries, or assisting or conniving at the same being made, or producing the same as true, knowing the same to be false or fraudulent:

In stealing or embezzling or fraudulently misapplying public money intrusted to him:

Or in committing any other offence of a felonious or fraudulent nature, to the injury of, or with intent to injure, any person, civil, marine, or military:

Or for any other disgraceful conduct, being of a cruel, indecent, or unnatural kind.

32. Every marine found guilty by a court-martial of the following offences:— Forfeiture of pay on conviction of desertion or felony.

Desertion, wilfully maiming or injuring himself or any other marine, whether at the instance of such other marine or not, or causing himself to be maimed or injured by any other person, with intent thereby to render himself or such other marine unfit for service; tampering with his

eyes with intent thereby to render himself unfit for service, such finding having been confirmed:

And every marine who may have been sentenced to penal servitude, or who has been discharged with ignominy:

And every marine who has been found guilty of felony in any court of ordinary criminal jurisdiction in England or Ireland, or of any crime or offence in any court of criminal judicature in any part of the United Kingdom, or in any dominion, territory, colony, settlement, or island belonging to or occupied by Her Majesty out of the United Kingdom, which would, if committed in England, amount to felony, if the commissioners for executing the office of Lord High Admiral shall so direct:

shall thereupon forfeit all advantage as to additional pay, good-conduct pay, and pension on discharge which might have otherwise accrued from the length of his former service:

Also all salvage, prize money, and allowances that have been earned by him:

Also all medals and decorations whatsoever which he may be in possession of and authorised to wear, together with the annuity or gratuity (if any) thereto appertaining.

And any sergeant reduced to the ranks by sentence of court-martial may, by the order of the same court, be made to forfeit any annuity or pension, and medal for meritorious service, or any or either of them, which may have been conferred upon him.

Forfeiture of pay when in confinement;

33. If any non-commissioned officer or marine, by reason of his imprisonment, whether under sentence of a court-martial or of any other court duly authorised to pass such sentence, or by reason of his confinement for debt, or by reason of his desertion, or, being an apprentice, by reason of his being allowed to serve out his time with his master, shall have been absent from his duty during any portion of the time limited by his enlistment or re-engagement or prolongation of service, as herein-after provided, such portion of his time shall not be reckoned as a part of the limited service for which such non-commissioned officer or marine was enlisted or re-engaged, or for which his time of service may have been prolonged; and no marine shall be entitled to pay, or to reckon service towards pay or pension, when in confinement under a sentence of any court, or during any absence from duty by commitment or confinement as a deserter by confession or under any charge of which he shall be afterwards convicted, either by court-martial or by any court of ordinary criminal jurisdiction, or whilst in confinement for debt; and when any marine shall be absent as a prisoner of war he shall not be entitled to pay, or to reckon service towards pay or pension, for the period of such absence, but upon rejoining Her Majesty's service due inquiry shall be made by a court-martial, and unless it shall

or during absence on commitment under a charge, or in arrest for debt;

or when prisoner of war;

be proved to the satisfaction of such court that the said marine was taken prisoner through wilful neglect of duty on his part, or that he had served with or under, or in some manner aided, the enemy, or that he had not returned as soon as possible to Her Majesty's service, he may thereupon be recommended by such court to receive either the whole of such arrears of pay, or a proportion thereof, and to reckon service during his absence; and any marine who shall be convicted of desertion or of absence without leave, shall, in addition to any punishment awarded by the court, forfeit his pay for the day or days during which he was in a state of desertion, or during his absence without leave; and if any marine shall absent himself without leave for any period, and shall not account for the same to the satisfaction of the commanding officer, or if any marine shall be guilty of any other offence which the commanding officer may not think necessary to bring before a court-martial, the commanding officer may, in addition to any minor punishment he is authorised to award, order that such marine shall be imprisoned for such period not exceeding one hundred and sixty-eight hours, with or without hard labour, and with or without solitary confinement, as the said commanding officer may think fit, and such marine shall forfeit his pay for any day or days on which he may be so imprisoned; and the said commanding officer may moreover order that, in addition to or instead of such imprisonment and forfeiture, or any other punishment which he has authority to inflict, any marine who shall have so absented himself as aforesaid shall forfeit his pay for the day or days during which he shall have so absented himself; and, in pursuance of any such order as aforesaid, the pay of the marine shall be accordingly forfeited: Provided always, that such marine shall not be liable to be afterwards tried by a court-martial for any offence for which he shall have been so punished, ordered to suffer imprisonment, punishment, or forfeiture as last aforesaid: Provided also, that any marine who shall be so ordered to suffer imprisonment or forfeiture of pay shall, if he so request, have a right to be tried by a court-martial for his offence instead of submitting to such imprisonment or forfeiture: Provided also, that it shall be lawful for the said Lord High Admiral or the said Commissioners to order or withhold the payment of the whole or any part of the pay of any officer or marine during the period of absence by any of the causes aforesaid.

or when convicted of desertion or absence without leave;

or when absent without leave.

34. In addition to any other punishment which the court may award, a court-martial may further direct that any offender may be put under stoppages until he shall have made good—

Stoppages.

Any money or articles issued to him in respect of his fraudulent enlistment, or by reason of any fraudulent misrepresentation or concealment on his part:

Any loss, disposal of, or damage occasioned by him in any of the instances of disgraceful conduct herein specified:

Any loss, disposal of, or destruction of, or damage or injury to any property whatsoever, occasioned by his wilful or negligent misconduct:

Any loss, disposal of, or destruction of, or damage or injury to his arms, clothing, instruments, equipments, accoutrements, or necessaries, or any extra article of clothing or equipment that he may have been put in possession of and ordered to wear on the recommendation of the surgeon for the benefit of his health, or making away with or pawning any medal or decoration for service or for general good conduct which may have been granted to him by order of Her Majesty or by order of the East India Company, or any medal or decoration which may have been granted to him by any foreign power, or any loss, disposal of, or destruction of, or damage or injury to the arms, clothing, instruments, equipments, accoutrements, or necessaries of any officer or marine, occasioned by his wilful or negligent misconduct:

Any expense necessarily incurred by his drunkenness or other misconduct:

Provided always, that, except in the case of the loss, disposal of, or destruction of, or damage or injury to arms, clothing, instruments, equipments, accoutrements, or necessaries, in which case the court may by its sentence direct that the said stoppages shall continue till the cost of replacing or repairing the same be made good, the amount of any loss, disposal, destruction, damage or injury, or expense, shall be ascertained by evidence, and the offender shall be placed under stoppages for such an amount only as shall be proved to the satisfaction of the court: Provided also, that when an offender is put under stoppages for making away with or pawning any medal or decoration, the amount shall be credited to the public, but the medal or decoration in question shall not be replaced, except under special circumstances, to be determined by the Lord High Admiral or the Commissioners for executing the office of Lord High Admiral aforesaid: Provided also, that so much only of the pay of the marine may be stopped and applied as shall, after satisfying the charges for messing and washing, leave him a residue at the least of one penny a day.

Discharge with ignominy.

35. Whenever any marine shall have been convicted of desertion or of any such disgraceful conduct as is hereinbefore described, and the court in respect of such disgraceful conduct shall have made the forfeiture of all claim to pension on discharge a part of the sentence passed on such marine, such court may further sentence him to be discharged with ignominy from Her Majesty's service: Provided always, where

an award of any of the forfeitures herein-before mentioned, or of deprivation of pay or of stoppages of pay, shall have been added to a sentence of transportation or penal servitude, it shall be lawful for the Lord High Admiral or the Commissioners for executing the office of Lord High Admiral, or, if in the East Indies, for the officer commanding in chief Her Majesty's land forces in India, in the event of the sentence of transportation or penal servitude being commuted to imprisonment, to order such award of forfeiture, deprivation of pay, or stoppages of pay to be enforced, mitigated, or remitted as may be deemed expedient.

Power of imprisonment by general, district, or garrison courts-martial.

36. A general or district or garrison court-martial may sentence any marine to imprisonment, with or without hard labour, and may also direct that such offender shall be kept in solitary confinement for any portion or portions of such imprisonment, in no case exceeding fourteen days at a time, nor eighty-four days in any one year, with intervals between the periods of solitary confinement of not less duration than such periods; and when the imprisonment awarded shall exceed three months, the court-martial shall imperatively order that the solitary confinement shall not exceed seven days in any one month of the whole imprisonment awarded, with intervals between the periods of solitary confinement of not less duration than such periods.

Power of imprisonment by divisional or detachment courts-martial.

37. Any divisional or detachment court-martial may sentence any marine to imprisonment, with or without hard labour, for any period not exceeding forty-two days, and may also direct that such marine be kept in solitary confinement for any portion or portions of such imprisonment, not exceeding fourteen days at a time, with intervals between them of not less duration than such periods of solitary confinement: Provided always, that when any court-martial, whether general, garrison, or district, or divisional or detachment, shall direct that the imprisonment shall be solitary confinement only, or when any sentence of corporal punishment shall have been commuted to imprisonment only, the period of such solitary confinement shall in no case exceed fourteen days.

Imprisonment of offender already under sentence.

38. Whenever sentence shall be passed by a court-martial on an offender already under sentence, either of imprisonment or of penal servitude, the court may award sentence of imprisonment or penal servitude for the offence for which he is under trial to commence at the expiration of the imprisonment or penal servitude to which he shall have been so previously sentenced, although the aggregate of the terms of imprisonment or penal servitude respectively may exceed the term for which either of those punishments could be otherwise awarded.

Whenever Her Majesty, the Lords Commissioners of the Admiralty, or any general or other officer authorised to con-

firm the sentences of courts-martial shall commute a sentence of penal servitude or corporal punishment to imprisonment, and the offender whose sentence shall be so commuted shall at the time of such commutation be under sentence of imprisonment or penal servitude, it shall be lawful to direct that such commuted sentence of imprisonment shall commence at the expiration of the imprisonment or penal servitude to which such prisoner shall have been so previously sentenced, although the aggregate of the term of imprisonment or penal servitude respectively may exceed the term for which either of those punishments could be otherwise awarded.

Term and place of imprisonment.

39. Save as herein specially provided, every term of penal servitude or imprisonment under the sentence of a court-martial, whether original or revised, shall be reckoned as commencing on the day on which the original sentence and proceedings shall be signed by the president; and the place of imprisonment under the sentences of courts-martial shall be appointed by the court or the Lord High Admiral, or the Commissioners for executing the office of Lord High Admiral, or the commanding officer of the division to which the offender belongs or is attached, or the officer commanding the district, garrison, island, or colony.

Proviso for removal of prisoners.

40. In the case of a prisoner undergoing imprisonment under sentence of a court-martial, or as part of commuted punishment, in any public prison other than a military prison, or in any gaol or house of correction or elsewhere, in any part of the United Kingdom, it shall be lawful for the said Lord High Admiral, or the Commissioners for executing the office of Lord High Admiral, for the time being, in all cases, or for the officer who confirmed the proceedings of the court, or the officer commanding the division or the district or garrison in which such prisoner may be, to give, as often as occasion may arise, an order in writing directing that the prisoner be discharged, or be delivered over to military custody, whether for the purpose of being removed to some other prison or place in the United Kingdom, there to undergo the remainder or any part of his sentence, or for the purpose of being brought before a court-martial either as a witness or for trial; and in the case of a prisoner undergoing imprisonment under the sentence of a court-martial in any public prison other than a military prison, or in any gaol or house of correction, in any part of Her Majesty's dominions other than the United Kingdom, it shall be lawful for the said Lord High Admiral or the said Commissioners, or for the officer commanding the Royal Marines there serving, in the case of any such prisoner, to give as often as occasion may arise an order in writing directing that the prisoner be discharged, or be delivered over to military or other custody, whether for the purpose of being removed to some other

prison or place in any part of Her Majesty's dominions, there to undergo the remainder or any part of his sentence, or for the purpose of being brought before a court-martial either as a witness or for trial; and in the case of any prisoner who shall be removed by any such order from any such prison, gaol, or house of correction, either within the United Kingdom or elsewhere, to some other prison or place, either in the United Kingdom or elsewhere, the officer or authorities who gave such order shall also give an order in writing directing the governor, provost marshal, gaoler, or keeper of such other prison or place to receive such prisoner into his custody, and specifying the offence of which such prisoner shall have been convicted, and the sentence of the court, and the period of imprisonment which he is to undergo, and the day and the hour on which he is to be released; and such governor, provost marshal, gaoler, or keeper shall keep such offender in a proper place of confinement, with or without hard labour, and with or without solitary confinement, according to the sentence of the court, and during the time specified in the said order, or until he be duly discharged or delivered over to other custody before the expiration of that time under an order duly made for that purpose; and in the case of a prisoner undergoing imprisonment under the sentence of a court-martial in any military prison in any part of Her Majesty's dominions, the Secretary of State for War, or the general officer commanding the district or station in which the prison may be situated, shall have the like powers in regard to the discharge and delivery over of such prisoners to military or other custody as may be lawfully exercised by any of the authorities above mentioned in respect of any prisoners undergoing confinement as aforesaid in any public prison other than a military prison, or in any gaol or house of correction in any part of Her Majesty's dominions; and such prisoner in any of the cases herein-before mentioned shall accordingly, on the production of any such order as is herein-before mentioned, be discharged or delivered over, as the case may be: Provided always, that the time during which any prisoner under sentence of imprisonment by a court-martial shall be detained in such military or other custody under such order as aforesaid shall be reckoned as imprisonment under the sentence, for whatever purpose such detention shall take place, and such prisoner may during such time, either when on board ship or otherwise, be subjected to such restraint as is necessary for his detention and removal.

Custody of prisoners under military sentence in common gaols.

41. Every governor, provost marshal, gaoler, or keeper of any public prison, or of any gaol or house of correction, in any part of Her Majesty's dominions, shall receive into his custody any military offender under sentence of imprisonment by a general or other court-martial, upon delivery to him of

an order in writing in that behalf from the Lord High Admiral, or the Commissioners for executing the office of Lord High Admiral, or from the officer commanding the division or detachment to which the offender belongs or did last belong or is attached, which order shall specify the period of imprisonment or remainder of imprisonment which the offender is to undergo, and the day and hour of the day on which he is to be released or be otherwise disposed of; and such governor, provost marshal, gaoler, or keeper shall keep such offender in a proper place of confinement, with or without hard labour, and with or without solitary confinement, according to the sentence of the court, and during the time specified in the said order, or until he be discharged or delivered over to other custody before the expiration of that time, under an order duly made for that purpose; and whenever marines are called out in aid of the civil power, or are stationed in billets, or are on the line of march, every governor, provost marshal, gaoler, or keeper of any public prison, gaol, house of correction, lock-up house, or other place of confinement shall receive into his custody any marine for a period not exceeding seven days, upon delivery to him of an order in writing in that behalf from the officer commanding such marine; and any governor, provost marshal, gaoler, or keeper of any public prison, gaol, house of correction, lock-up house, or other place of confinement who shall refuse to receive and to confine, or to discharge or deliver over, any marine offender in the manner herein prescribed, shall forfeit for every such offence the sum of one hundred pounds.

Subsistence of prisoners in common gaols.

42. The gaoler or keeper of any public prison, gaol, house of correction, lock-up house, or other place of confinement in any part of Her Majesty's dominions shall diet and supply every marine imprisoned therein under the sentence of a court-martial or as a deserter with fuel and other necessaries according to the regulations of such place of confinement, and shall receive on account of every marine during the period of his imprisonment one shilling per diem, or such other sum as the said Lord High Admiral or the said Commissioners may at any time or times direct, which the Secretary of the Admiralty shall cause to be issued out of the subsistence of such marine, upon application in writing signed by any justice within whose jurisdiction such place of confinement shall be locally situated, together with a copy of the order of commitment, and which sum of one shilling per diem, or such other sum as aforesaid, shall be carried to the credit of the fund from which the expense of such place of confinement is defrayed. A sentence of imprisonment or of penal servitude passed either by a court-martial or by any court of criminal jurisdiction upon any person subject to this Act shall be in no respect affected by such person ceasing to be subject to

this Act by discharge or otherwise at any time after the passing of such sentence; but the discharge of such person shall not be deemed in any manner to affect the provisions for the cost of his maintenance while undergoing a sentence of imprisonment or penal servitude, as otherwise enacted.

Notice to be given of expiration of imprisonment in common gaols.

43. Every gaoler or keeper of any public prison, gaol, house of correction, or other place of confinement, to whom any notice shall have been given, or who shall have reason to know or believe, that any person in his custody for any debt or contempt, or upon any charge or for any offence, civil, criminal, or military, is a marine, shall on receiving him into custody give notice thereof to the Secretary of the Admiralty, and also, previous to the expiration of the period of the confinement or imprisonment of such marine, give to the Secretary of the Admiralty one month's notice of the period of such expiration of confinement or imprisonment, or if there shall not be sufficient time for a month's notice, then the longest practicable notice thereof, specifying the day and hour of the day on and at which he is to be released; and for every default of giving either or any of such notices such gaoler or person shall forfeit the sum of twenty pounds; and moreover every gaoler or other person having such immediate inspection as aforesaid shall, as soon as any such marine shall be entitled to be discharged out of custody, with all convenient speed, safely and securely conduct and convey and safely and securely deliver every such marine either unto the officer commanding at the nearest head quarters of the Royal Marines or to the officer commanding Her Majesty's ship to which any such marine may happen to belong, unless the said Commissioners shall, by writing under the hand of the Secretary of the Admiralty, or the officer commanding at the nearest head quarters of the Royal Marines, or the officer commanding Her Majesty's ship to which any such marine may belong, shall, by writing under his hand, direct that such marine be delivered to some other officer or person, in which case he shall be delivered to such other officer or person accordingly, and the officer or person to whom such marine shall be so delivered in accordance with this Act shall thereupon give to such gaoler or person delivering up such marine a certificate directed to the Secretary of the Admiralty, specifying the receipt of such marine, and, if such gaoler or other person as aforesaid has conducted or conveyed any such marine, specifying the place from and to which he shall have been conducted and conveyed as aforesaid; and such gaoler or person who shall have so conducted, conveyed, and delivered any such marine shall, upon the production of such certificate, be entitled to receive of and from the Accountant General of Her Majesty's Navy the sum of one shilling per mile, and no more, for conducting, conveying, and delivering any such

marine as aforesaid; and every such gaoler or other person having such immediate inspection as aforesaid who shall not safely and securely conduct, convey, or deliver any such marine as aforesaid shall for every such misconduct or offence forfeit and pay the sum of one hundred pounds. In all cases where the marine in custody is under sentence to be discharged from the service on the completion of his term of imprisonment, and the discharge document is in the hands of the gaoler, such gaoler shall not be required to make any report thereof to the Secretary of the Admiralty or to the Deputy Adjutant General of Marines.

Military prisons established under any Act for punishing mutiny and desertion in the army to be deemed public prisons.

44. Every military prison which shall be established under or by virtue of any Act for punishing mutiny and desertion, and for the better payment of the army and their quarters, shall be deemed to be public prisons within the meaning of any Act now in force or hereafter to be in force for the regulation of Her Majesty's Royal Marine forces; and any officer or marine convicted by a court-martial may be sent, by order of the Commissioners for executing the office of Lord High Admiral, to any such military prison, there to undergo such punishment as may be awarded by the sentence passed upon him, or until he be discharged or delivered up by an order, as in the case of a discharge or removal from any other prison under this Act.

Musters, and penalty on false musters.

45. Musters, as have been customary, shall be taken of every division or company of Royal Marines once in every calendar month as shall be appointed; and no officer or marine shall be absent from any such muster, unless duly certified to be employed on some other duty of the corps, or sick, or in prison, or on furlough; and every person belonging to Her Majesty's service who shall give or procure to be given any untrue certificate thereby to excuse any person from any muster or other service which he ought to attend or perform, or shall make any false or untrue muster of man or horse, or who shall willingly allow or sign any false muster or duplicate thereof, or shall directly or indirectly take or receive any money or gratuity for mustering any person, or for signing any muster roll or duplicate, or shall knowingly muster any person by a wrong name, shall, upon proof by two witnesses before a general court-martial, for any such offence be sentenced to be cashiered: Provided that it shall be lawful for Her Majesty, in all cases whatsoever, instead of causing a sentence of cashiering to be put in execution, to order the offender to be reprimanded, or, in addition thereto, to suffer such loss of rank as may be deemed expedient; and any person who shall fraudulently offer or procure himself to be falsely mustered, or lend or furnish any horse to be falsely mustered, shall, upon proof thereof by the oaths of two witnesses before some justice of the peace residing near

to the place where such muster shall be made, forfeit the sum of twenty pounds, and the informer, if he belongs to Her Majesty's service, shall, if he demand it, be forthwith discharged; and if any person not belonging to Her Majesty's service shall give or sign any untrue certificate of illness or otherwise in order to excuse any officer or marine from appearance at any muster, or whereby Her Majesty's service may be defrauded, every person so offending shall for every such offence forfeit the sum of fifty pounds.

Verifying of muster rolls.

46. All muster rolls and pay lists of Royal Marines required to be verified upon oath shall be sworn before and attested by any justice of the peace, without fee or reward to himself or his clerk.

Trials for desertion after subsequent re-enlistment.

47. Every marine shall be liable to be tried and punished for desertion from any corps into which he may have unlawfully enlisted, although he may of right belong to another corps, and be a deserter therefrom; and whether such marine shall be tried for deserting from the corps to which he may of right belong, or from the corps into which he may have unlawfully enlisted, or for any other desertion, every desertion previous or subsequent to that for which he may at the time be taking his trial may, if duly stated in the charges, be given in evidence against him on such trial.

Apprehension of deserters.

48. Upon reasonable suspicion that a person is a deserter, it shall be lawful for any constable, or if no constable can be immediately met with, then for any officer or marine or soldier in Her Majesty's service, or other person, to apprehend or cause to be apprehended such suspected person, and forthwith to bring him or cause him to be brought before any justice living in or near the place where he was so apprehended, and acting for the county, city, district, place, or borough wherein such place is situate, or for the county adjoining such first-mentioned county or such borough; and such justice is hereby authorised and required to inquire whether such suspected person is a deserter, and from time to time to defer the said inquiry, and to remand the said suspected person, in the manner prescribed by an Act passed in the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-two, section twenty-one, and subject to every provision therein contained; and if it shall appear to the satisfaction of such justice, by the testimony of one or more witnesses taken upon oath, or by the confession of such suspected person, confirmed by some corroborative evidence upon oath, or by the knowledge of such justice, that such suspected person is a deserter, such justice shall forthwith cause him to be conveyed in civil custody to the head quarters of the division or depôt to which he belongs, or to the nearest military station, or to the nearest or most con-

venient prison, police station, or other place legally provided for the temporary confinement of persons in custody or delivered to a party of marines in charge of a non-commissioned officer, as to him may seem most expedient having regard to the safe custody of such deserter; and such justice shall transmit an account of the proceedings to the Secretary of the Admiralty, specifying the manner in which he has so disposed of such deserter, to the end that the person so committed may be proceeded against according to law; and such justice shall also send to the Secretary of the Admiralty a report stating the names of the persons by whom or by or through whose means the deserter was apprehended and secured, and the Secretary of the Admiralty shall transmit to such justice an order upon the proper department for the payment of the sum of twenty shillings as a reward to the person so certified to be entitled thereto; and for such information, commitment, and report as aforesaid the clerk of the said justice shall be entitled to a fee of two shillings and no more; and every gaoler and other person into whose custody any person charged with desertion is committed shall, immediately upon the receipt of the person so charged into his custody, pay such fee of two shillings, and shall notify the fact to the Secretary of the Admiralty, and transmit also to the Secretary of the Admiralty a copy of the commitment, to the end that the Secretary of the Admiralty may order repayment of such fees; and that when any such person shall be apprehended and committed as a deserter in any part of Her Majesty's foreign dominions, the justice shall forthwith cause him to be conveyed to some public prison, if the detachment to which he is suspected to belong shall not be in such part, or if the detachment be in such part, the justice may deliver him into custody at the nearest military post, although the detachment to which such person is suspected to belong may not be stationed at such military post, if within reasonable distance; and such justice shall in every case transmit to the officer commanding a description return in the form prescribed in the schedule to this Act annexed, to the end that such person may be removed by the order of such officer, and proceeded against according to law; and such description return, purporting to be duly made and subscribed in accordance with the Act, shall, in the absence of proof to the contrary, be deemed sufficient evidence of the facts and matters therein stated: Provided always, that any such person so committed as a deserter in any part of Her Majesty's dominions shall, subject to the provisions herein-after contained, be liable to be transferred, by order of the colonel commandant or other officer commanding, to serve in any division, corps, detachment, or party nearest to the place where he shall have been apprehended, or to any other division, corps, detachment, or party to which the Lord High

Transfer of deserters.

Admiral or the Commissioners for executing the office of Lord High Admiral may deem it desirable that he should be transferred, and shall also be liable after such transfer of service to be tried and punished as a deserter.

Penalty on marines attempting to desert from head quarters.

49. For and in respect of any marine attempting to desert from any head quarters, the party or parties by whom he shall be apprehended shall be entitled to a reward of ten shillings, to be paid upon the delivering up of such marine, which sum of ten shillings shall be charged against and stopped and retained out of the pay and subsistence of every such marine.

Temporary custody of deserters in gaols.

50. Every gaoler or keeper of any public prison, gaol, house of correction, lock-up house, or other place of confinement in any part of Her Majesty's dominions is hereby required to receive and confine therein every deserter who shall be delivered into his custody by any marine or other person conveying such deserter under lawful authority, on production of the warrant of the justice of the peace on which such deserter shall have been taken, or some order from the Admiralty, which order shall continue in force until the deserter shall have arrived at his destination; and such gaoler or keeper shall be entitled to one shilling for the safe custody of the said deserter while halted on the march, and to such subsistence for his maintenance as shall be directed by the said Lord High Admiral or the said Commissioners.

Fraudulent confession of desertion.

51. Any person who, while serving in Her Majesty's Navy or in any of Her Majesty's forces, or the embodied militia, shall to any officer, or subordinate, warrant, petty, or non-commissioned officer, fraudulently confess himself to be a deserter from Her Majesty's Royal Marine forces, shall be liable to be tried by any court-martial under this Act, and punished according to the sentence thereof; and any person who shall voluntarily deliver himself up as and confess himself to be a deserter from Her Majesty's Royal Marine forces, or who, upon being apprehended for any offence, shall in the presence of the justice confess himself to be a deserter as aforesaid, shall be deemed to have been duly enlisted and to be a marine, and shall be liable to serve in Her Majesty's Royal Marine forces, whether such person shall have been ever actually enlisted as a marine or not; or in case such person shall not be a deserter from the Royal Marine forces, or shall have been discharged therefrom or from any other corps for any cause whatever, or shall be incapable of service, he shall, on conviction thereof before two justices of the peace at or near the place where he shall deliver himself up or confess, or where he may at any time happen to be, be adjudged to be punished, if in England, as a rogue and vagabond, and if elsewhere by commitment to some prison or house of cor-

rection, there to be kept to hard labour for any time not exceeding three months, or shall be deemed guilty of obtaining money under false pretences within the true intent and meaning, if in England or Ireland, of an Act passed in the session holden in the twenty-fourth and twenty-fifth years of Queen Victoria, intituled "An Act to consolidate and amend "the Statute Law of England and Ireland relating to Larceny "and other similar offences," or, if in Scotland, shall be deemed guilty of falsehood, fraud, and wilful imposition; and every person so deemed to be guilty of obtaining money under false pretences, or of falsehood, fraud, and wilful imposition, (as the case may be,) shall be liable to be proceeded against and punished accordingly; and the confession and receiving subsistence as a marine by such person shall be evidence of the false pretence, or of the falsehood, fraud, and imposition, (as the case may be,) and of the obtaining money to the amount of the value of such subsistence, and the value of such subsistence so obtained may be charged in the indictment as so much money received by such person; and in case such person shall have been previously convicted of the like offence, or shall have been summarily convicted and punished in England as a rogue and vagabond, or in Scotland or Ireland by commitment, for making a fraudulent confession of desertion, such former conviction may be alleged in the indictment, and may be proved upon the trial of such person; and in such indictment for a second offence it shall be sufficient to state that the offender was at a certain time and place convicted of obtaining money under false pretences as a deserter, for making a fraudulent confession of desertion, without otherwise describing the said offence; and a certificate containing the substance and effect only (omitting the formal part) of the indictment and conviction of the former offence, purporting to be signed by the clerk of the court or other officer having the custody of the record of the court where the offender was first convicted, or by the deputy of such clerk, or by the clerk of the convicting magistrates, shall, upon proof of the identity of the person of the offender, be sufficient evidence of the first conviction, without proof of the signature or official character of the person appearing to have signed such certificate; and if the person so confessing himself to be a deserter shall be serving at the time in Her Majesty's Royal Marine forces he shall be deemed to be and shall be dealt with by all justices and gaolers as a deserter.

24 & 25 Vict. c. 96.

Punishment for inducing marines to desert.

52. Any person who shall, in any part of Her Majesty's dominions, by any means whatsoever, directly or indirectly procure any marine to desert or absent himself from his duty without leave from his commanding officer, or attempt to procure or persuade any marine to desert or absent himself from his duty, and any person who, knowing that any marine is

absent from his duty without leave from his commanding officer, shall harbour or conceal such marine, or aid or assist such marine in concealing himself, or aid and assist in his rescue, or aid or assist him to desert, shall be deemed guilty of a misdemeanor, and shall, on conviction thereof before any two justices acting for the county, district, city, burgh, or place where any such offender shall at any time happen to be, be liable to be committed to the common gaol or house of correction, there to be imprisoned, with or without hard labour, for such term not exceeding six calendar months as the convicting justices shall think fit.

Extension of furlough in case of sickness.

53. When there shall not be any officer of Her Majesty's land or marine forces of the rank of captain or of a superior rank, or any adjutant of militia, within convenient distance of the place where any non-commissioned officer or marine, not borne on the books of any of Her Majesty's ships or vessels in commission as aforesaid, and who shall be on furlough, shall be detained by sickness or other casualty rendering necessary an extension of such furlough, it shall be lawful for any justice who shall be satisfied of such necessity to grant an extension of furlough for a period not exceeding one month; and the said justice shall immediately certify such extension, and the cause thereof, to the commanding officer of the division or detachment to which the man belongs, if known, and if not, then to the Secretary of the Admiralty, in order that the necessary allowance of pay and subsistence may be remitted to the marine, who shall not during the period of such extension of furlough be liable to be treated as a deserter: Provided always, that nothing herein contained shall be construed to exempt any marine from trial and punishment according to the provisions of this Act for any false representation made by him in that behalf to the said officer or justice so extending the furlough, or for any breach of discipline committed by him in applying for and obtaining the said extension of furlough.

Marines liable to be taken out of Her Majesty's service only for felony and certain misdemeanors, or for debts amounting to 30*l.* and upwards;

54. Any person enlisted into Her Majesty's Royal Marine forces as a marine, or who has received marine enlistment money, shall be liable to be taken out of Her Majesty's service only by process or execution on account of any charge of felony, or on account of misdemeanor, or of any crime or offence other than the misdemeanor of refusing to comply with an order of justices for the payment of money, or on account of an original debt proved by affidavit of the plaintiff or of some one on his behalf to amount to the value of thirty pounds at the least over and above all costs of suit, such affidavit to be sworn, without payment of any fee, before some judge of the court out of which process or execution shall issue, or before some person authorised to take affidavits in such court, of which affidavit, when duly filed in such

court, a memorandum shall, without fee, be endorsed upon the back of such process, stating the fact sworn to, and the day of filing such affidavit; but no marine or other person as aforesaid shall be liable by any process whatever to appear before any justice of the peace or other authority whatsoever, or to be taken out of Her Majesty's service by any writ, summons, order, warrant, judgment, execution, or any process whatever issued by or by the authority of any court of law, or any magistrate, justice or justices of the peace, or any other authority whatsoever, for any original debt not amounting to thirty pounds, or for the breach of any contract, covenant, agreement, or other engagement whatever, by parol or in writing, or for having left or deserted his employer or master, or his contract, work, or labour; and all summonses, warrants, commitments, indictments, convictions, judgments, and sentences, on account of any of the matters for which it is herein declared that a marine is not liable to be taken out of Her Majesty's service, shall be utterly illegal, and null and void to all intents and purposes; and any judge of any such court may examine into any complaint made by a marine or by his superior officer, and by warrant under his hand discharge such marine, without fee, he being shown to have been arrested contrary to the intent of this Act, and shall award reasonable costs to such complainant, who shall have for the recovery thereof the like remedy as would have been applicable to the recovery of any costs which might have been awarded against the complainant in any judgment or execution as aforesaid, or a writ of Habeas corpus ad subjiciendum shall be awarded or issued, and the discharge of any such marine out of custody shall be ordered thereupon; provided that any plaintiff, upon notice of the cause of action first given in writing to any marine or left at his last quarters, may proceed in any action or suit to judgment, and have execution other than against the body or marine necessaries or equipments of such marine: Provided also, that nothing herein contained relating to the leaving or deserting a master or employer, or to the breach of any contract, agreement, or engagement, shall apply to persons who shall be really and bonâ fide apprentices duly bound under the age of twenty-one years, as herein prescribed.

but not liable to be taken out of Her Majesty's service for debts under 30*l.*, or for breach of contract.

Officers not to be sheriffs, mayors, &c.

55. No person who shall be commissioned and in full pay as an officer in the Royal Marine forces, or who shall be employed in enlisting for such forces, shall be capable of being nominated or elected to be sheriff, and no such officer and no non-commissioned officer of such forces shall be capable of being nominated or elected to be a constable, or overseer, guardian of any union, or any officer of a like description, of any county, hundred, riding, city, borough, town, division, parish, or other place, or to be mayor, portreeve, alderman,

or to hold any office in any municipal corporation in any city, borough, or place in Great Britain or Ireland, or be summoned or shall serve as a grand or petit or other juror or upon any inquest, and any summons for him to attend to serve as a grand or petit or other juror or upon an inquest shall be null and void; and every such person is hereby exempted from attendance and service in accordance with any such summons, and from all fines, pains, and penalties for or in consequence of not attending or serving as aforesaid.

Questions to be put to recruits on enlisting.

56. Every person authorised to enlist recruits for the Royal Marines shall first ask the person offering to enlist whether he belongs to any and what force in Her Majesty's service, and also such other questions as the said Lord High Admiral or the said Commissioners may direct to be put to such persons, and in case of a recruit shall, immediately after giving him enlisting money, serve him with a notice in the form set forth in the schedule to this Act annexed.

Recruits when deemed to be enlisted.

57. Every person who shall receive enlisting money in manner aforesaid shall upon such receipt be deemed to be enlisted as a marine in Her Majesty's service, and while he shall remain with the recruiting party shall be entitled to be billeted.

When recruits to be taken before a justice.

58. Every person so enlisted as aforesaid shall, within ninety-six hours (any intervening Sunday, Christmas Day, or Good Friday not included), but not sooner than twenty-four hours after such enlistment, appear, together with some person employed in the recruiting service, before a justice of the peace, not being an officer of the marines, for the purpose of being attested as a marine, or of objecting to his enlistment.

Dissent and relief from enlistment.

59. When a recruit, upon appearing before a justice for the purposes aforesaid, shall dissent from or object to his enlistment, and shall satisfy the justice that the same was effected in any respect irregularly, he shall forthwith discharge the recruit absolutely, and shall report such discharge to the commandant of the division for which the marine shall have enlisted; but if the recruit so dissenting shall not allege or shall not satisfy the justice that the enlistment was effected irregularly, nevertheless upon repayment of the enlisting money and of any sum received by him in respect of pay or allowances, and of a further sum of twenty shillings as smart money, he shall be entitled to be discharged; and the sum paid by such recruit upon his discharge shall be kept by the justice, and, after deducting therefrom one shilling as the fee for reporting the payment to the Secretary of the Admiralty and to the said commandant, shall be paid over to any person belonging to the recruiting party who may demand the same; and the justice who shall discharge any recruit shall in every case give a certificate thereof, signed with his hand, to the recruit, specifying the cause thereof.

Attesting of recruits.

60. If the recruit on appearing before a justice shall not dissent from his enlistment, or dissenting shall within twenty-four hours return and state that he is unable to pay the sums mentioned in the last section, he shall be attested as follows: the justice, or some person deputed by him, shall read to the recruit the questions set forth in the form contained in the schedule to this Act annexed, cautioning him that if he fraudulently make any false answer thereto he shall be liable to be punished as a rogue and vagabond, and the answers of the recruit shall be recorded opposite to the said questions, and the justice shall require the recruit to make and sign the declaration in the said form, and shall then administer to him the oath of allegiance in the said form; and when the recruit shall have signed the said declaration and taken the oath, the justice shall attest the same by his signature, and shall deliver to the recruiting officer the declaration so signed and attested, and the fee for such attestation, including the declaration and oath, shall be one shilling and no more; and any recruit shall, if he so wish, be furnished with a certified copy of the above-mentioned declaration by the officer who finally approved of him for the service.

Recruits until they have been attested or received pay not triable by court-martial, but in certain cases punishable as rogues and vagabonds.

61. No recruit, unless he shall have been attested or shall have received pay other than enlisting money, shall be liable to be tried by court-martial; but if any person, previously to his being attested or enrolled, shall by means of any false answer obtain enlistment or other money, or shall make any false statement in his declaration, or shall refuse to answer any question duly authorised to be put to him for the purpose of filling up such declaration, or shall refuse or neglect to go before a justice for the purposes aforesaid, or having in the case of a recruit dissented from his enlistment shall wilfully omit to return and pay such money as aforesaid, in any of such cases it shall be lawful for any two justices within the United Kingdom, or for any one justice out of the United Kingdom, acting for the county, district, city, burgh, or place where any such person shall at any time happen to be, when he shall be brought before them or him, if in England, to adjudge him to be a rogue and vagabond, and to sentence him to be punished accordingly, and if in Scotland or Ireland, or elsewhere in Her Majesty's dominions, to be imprisoned with hard labour in any prison or house of correction for any period not exceeding three calendar months. And any marine who shall have given any false answer at the time of or relative to his becoming a marine shall forfeit all pay, wages, and other moneys, be the same naval, marine, or otherwise, which he might otherwise have been entitled to for any period of service in the Royal Marines.

Attested recruits triable in some cases

62. Any person who shall have been attested or enrolled, and who shall afterwards be discovered to have given any

wilfully false answer to any question directed to be put by the proper authorities, or shall have made any wilfully false statement in the declaration herein-before mentioned, shall be liable, at the discretion of the said Lord High Admiral or the said Commissioners, to be proceeded against before two justices in the manner herein-before mentioned, and by them sentenced accordingly, or to be tried by a district or garrison court-martial for the same, and punished in such manner as such court shall direct, and the declaration made by such person on his attestation or enrolment, purporting to be made in accordance with the schedule to this Act annexed, or with the regulations of the said Lord High Admiral or the said Commissioners, shall, in the absence of proof to the contrary, be deemed sufficient evidence, whether before such justice or justices, or before any court-martial, of such person having represented the several particulars as stated in such declaration.

either before two justices or before a court-martial.

In the case of an attested recruit confessing that he had previously enlisted into another corps or division and had been discharged from it, a letter purporting to be written in reply to an inquiry respecting the truth or falsehood of such confession and to be signed by or on behalf of the corps or division from which such attested recruit confessed himself to have been discharged, shall be admissible in evidence against such attested recruit, and shall be deemed to be legal evidence of the facts stated therein.

Recruits absconding.

63. If any recruit shall abscond so that it is not possible immediately to apprehend and bring him before a justice for attestation, the recruiting party shall produce to the justice before whom the recruit ought regularly to have been brought for that purpose a certificate of the name and place of residence and description of such recruit and of his having absconded, and shall declare the same to be true, and the justice to whom such certificate shall be produced shall transmit a duplicate thereof to the Secretary of the Admiralty in order that the same may appear in the "Police Gazette." For the purposes of this section and all purposes of attestation and enlistment a justice of any county or borough shall be deemed to be a justice of any other county or borough.

As to militiamen enlisting into regular forces.

64. If any man while belonging to any regiment or corps, the regular reserve, or auxiliary forces, shall, without being discharged by the proper authorities, thereupon enlist in and be attested for Her Majesty's Royal Marines, he shall be liable to be tried before a court-martial on a charge for desertion; but it shall be lawful for the Secretary of State for the War Department to give such general directions as may from time to time appear to him necessary for placing any man who confesses himself to be a militiaman under stoppage of one penny a day of his pay for eighteen calendar

months, in lieu of his being tried by court-martial, and in case such militiaman shall have belonged to the militia reserve at the time of his attestation he shall be subjected to a further stoppage of one penny a day for two hundred and forty days, to be applied as the Secretary of State for War shall direct, and further to determine whether such man shall be returned to his militia regiment after such sum shall have been made good, or shall be deemed to be a marine in the same manner as he would have been if he had not been a militiaman at the time of his attestation: Provided also, that every soldier who, while belonging to a militia regiment, enlisted in Her Majesty's Royal Marines, whether such enlistment took place before or after the passing of the Mutiny Act, 1860, shall reckon service towards the performance of his limited engagement from the date of his attestation: Provided also, that any such soldier shall not reckon service for pension until the day on which his engagement for the militia would have expired; but if any such soldier shall, subsequently to his enlistment, have rendered long, faithful, or gallant service, the Lords Commissioners of the Admiralty may, upon the special recommendation of the Deputy Adjutant General, Royal Marines, order that he may reckon service for pension from the date of his attestation.

Volunteer permanent staff officers enlisting into regular forces.

65. If any non-commissioned officer of the volunteer permanent staff shall enlist into the Royal Marines, he may be tried and punished as a deserter, but if he confesses his desertion the Secretary of State for War, instead of causing him to be tried and punished as a deserter, may cause him to be returned to his service on the volunteer permanent staff, to be there put under stoppages from his pay until he has repaid the amount of any bounty received by him, and the expenses attending his enlistment, and also the value of any arms, &c. issued to him while on the volunteer permanent staff, and not duly delivered up by him, or may cause him to be held to his service in the Royal Marines with a direction, if it seems fit, that his term of service therein shall not be reckoned for pension until the time when his engagement on the volunteer permanent staff would have expired, and may further cause him to be put under stoppages of one penny a day of his pay until he has repaid the expense attending his engagement or attestation on the volunteer permanent staff, and also the value of any arms, clothing, or appointments issued to him while on the volunteer permanent staff, and not duly delivered up by him.

Penalty on persons offending as to enlistment.

66. Every person subject to this Act who shall wilfully act contrary to any of its provisions in any matter relating to the enlisting or attesting of recruits for Her Majesty's service shall be liable to be tried for such offence by a general or other court-martial, and to be sentenced to such punishment,

other than death or penal servitude, as such court may award.

67. It shall be lawful for any justice of the peace or person exercising the office of a magistrate within any of Her Majesty's dominions abroad, or for the officer commanding any ship or vessel of Her Majesty on the books of which any marine may be borne, or on board of which any such marine may be, or, notwithstanding anything in this Act contained, for the commanding officer of any battalion or detachment of Royal Marines, whether borne on the books of any one of Her Majesty's ships or otherwise, to re-engage or enlist and attest out of Great Britain or Ireland any marine desirous of re-enlisting or re-engaging into Her Majesty's Royal Marine forces, if such marine be considered by such commanding officer, justice, or magistrate a fit person to continue in Her Majesty's service; and every such commanding officer, justice, or magistrate shall have the same powers in that behalf as are by this or any other Act of Parliament given to justices of the peace in the United Kingdom for all such purposes of enlistment and attestation, and any marine so re-enlisted or re-engaged shall be deemed to be an attested marine.

As to re-enlistment abroad.

68. Any person duly bound as an apprentice who shall enlist into Her Majesty's Royal Marine forces, and shall falsely state to the magistrate before whom he shall be carried and attested that he is not an apprentice, shall be deemed guilty of obtaining money by false pretences, if in England or in Ireland, and of falsehood, fraud, and wilful imposition, if in Scotland, and shall after the expiration of his apprenticeship, whether he shall have been so convicted and punished or not, be liable to serve as a marine according to the terms of the enlistment, and if on the expiration of his apprenticeship he shall not deliver himself up to some officer authorised to receive recruits, such person may be taken as a deserter from Her Majesty's Royal Marine forces.

Apprentices enlisting to be liable to serve after the expiration of their apprenticeship.

69. No master shall be entitled to claim an apprentice who shall enlist as a marine in Her Majesty's service unless such master shall, within one calendar month next after such apprentice shall have left his service, go before some justice, and take the oath mentioned in the schedule to this Act annexed, and at the time of making his claim produce to the officer under whose command the recruit shall be the certificate of such justice of his having taken such oath, which certificate such justice is required to give in the form in the schedule to this Act annexed; nor unless such apprentice shall have been bound, if in England, for the full term of five years, (not having been above the age of fourteen years when so bound,) and, if in Ireland or in the British Isles, for the full term of five years at the least, (not having been above the age of sixteen when so bound,) and, if in Scotland, for the

Claims of masters to apprentices.

full term at least of four years, by a regular contract or indenture of apprenticeship, duly extended, signed, and tested, and binding on both parties by the law of Scotland prior to the period of enlistment, and unless such contract or indenture in Scotland shall, within three months after the commencement of the apprenticeship and before the period of enlistment, have been produced to a justice of the peace of the county in Scotland wherein the parties reside, and there shall have been endorsed thereon by such justice a certificate or declaration signed by him specifying the date when and the person by whom such contract or indenture shall have been so produced, which certificate or declaration such justice of the peace is hereby required to endorse and sign; nor unless any such apprentice shall, when claimed by such master, be under twenty-one years of age: Provided always, that any master of an apprentice indentured for the sea service shall be entitled to claim and recover him in the form and manner above directed, notwithstanding such apprentice may have been bound for a less term than five or four years as aforesaid: Provided also, that any such master who shall give up the indentures of apprenticeship within one month after the enlisting of such apprentice shall be entitled to receive, to his own use, so much of the bounty payable to such recruit as shall not have been paid to such recruit before notice given of his being an apprentice.

No apprentice claimed by the master shall be taken away without a warrant.

70. No apprentice claimed by his master shall be taken from any division, detachment, recruiting party, or ship of Her Majesty, except under a warrant of a justice residing near and within whose jurisdiction such apprentice shall then happen to be, and before whom he shall be carried; and such justice shall inquire into the matter upon oath (which oath he is hereby empowered to administer), and shall require the production and proof of the indenture, and that notice of the said warrant has been given to the commanding officer, and a copy thereof left with some officer or non-commissioned officer of the party, and that such person so enlisted declared that he was no apprentice; and such justice, if required by such officer or non-commissioned officer, shall commit the offender to the common gaol of the county, division, or place for which such justice is acting, and shall keep the indenture to be produced when required, and shall bind over such person as he may think proper to give evidence against the offender, who shall be tried at the next or at the sessions immediately succeeding the next general or quarter sessions of such county, division, or place, unless the court shall for just cause put off the trial; and the production of the indenture, with the certificate of the justice that the same was proved, shall be sufficient evidence of the said indenture; and every such offender in Scotland may be tried by the

Punishment of apprentices enlisting.

judge ordinary in the county or stewartry in such and the like manner as any person may be tried in Scotland for any offence not inferring a capital punishment: Provided always, that any justice not required as aforesaid to commit such apprentice may deliver him to his master.

Removal doubts as to attestation of marines.

71. No person who shall for six months, and either before or after the passing of this Act, have received pay and be borne on the strength and pay list of any division of Her Majesty's Royal Marine forces, of which the last quarterly pay list (if produced) shall be evidence, or been borne as a marine on the books of any of Her Majesty's ships in commission, shall be entitled to claim his discharge on the ground of error or illegality in his enlistment or attestation or re-engagement, or on any other ground whatsoever, but, on the contrary, every such person shall be deemed to have been duly enlisted, attested, or re-engaged, as the case may be.

Power to Admiralty to order pay to be withheld.

72. It shall also be lawful for the Lord High Admiral, and also for the said Commissioners for executing the office of Lord High Admiral, to give orders for withholding the pay of any officer or marine for any period during which such officer or marine shall be absent without leave, or improperly absent from his duty, or in case of any doubt as to the proper issue of pay to withhold it from the parties aforesaid until the said Lord High Admiral or the said Commissioners shall come to a determination upon the case.

Billeting of marines.

73. And whereas there is and may be occasion for the marching and also for the quartering of the Royal Marine forces when on shore:

Be it enacted, that during the continuance of this Act, upon the order or orders of the Lords Commissioners of the Admiralty, signified in writing in that behalf under the hand of the Secretary of the Admiralty, or upon the order or orders in writing in that behalf under the hand of any colonel commandant or commanding officer of any division of Royal Marines, it shall be lawful for all constables and other persons specified in this Act in Great Britain and Ireland, and they are hereby required, to billet the officers and marines, whether marching or otherwise, and all staff and field officers horses, and all bât and baggage horses belonging to the Royal Marine forces, when on actual service, not exceeding for each officer the number for which forage is or shall be allowed by Her Majesty's regulations, in victualling houses and other houses specified in this Act, taking care in Ireland not to billet less than two men in any one house; and they shall be received by the occupiers of the houses in which they are so billeted, and be furnished by such victualler with proper accommodation in such houses, and with a separate bed for each marine, or if any victualler shall not have sufficient accommodation in the house upon which a marine is billeted, then in some good and

sufficient quarters to be provided by such victualler in the immediate neighbourhood, and in Great Britain with diet and small beer, and in Great Britain and Ireland with stables, oats, hay, and straw for such horses as aforesaid, paying and allowing for the same the several rates herein-after provided; and at no time when marines are on their march shall any of them be billeted above one mile from the place mentioned in the route, care being always taken that the billets be made out for the less distant houses in which suitable accommodation can be found before making out billets for the more distant; and in all places where marines shall be billeted in pursuance of this Act, the officers and their horses shall be billeted in one and the same house, except in case of necessity; and the constables are hereby required to billet all marines on their march in the manner required by this Act upon the occupiers of all houses within one mile of the place mentioned in the route, and whether they be in the same or a different county in like manner in every respect as if such houses were all locally situated within such place: Provided always, that nothing herein contained shall be construed to extend to authorise any constable to billet marines out of the county to which such constable belongs when the constable of the adjoining county shall be present and shall undertake to billet the due proportion of men in such adjoining county; and no more billets shall at any time be ordered than there are effective marines and horses present to be billeted; all which billets, when made out by such constables, shall be delivered into the hands of the commanding officer present, or to the non-commissioned officer on the spot; and if any person shall find himself aggrieved by having an undue proportion of marines billeted in his house, and shall prefer his complaint, if against a constable or other person not being a justice, to one or more justices, and if against a justice, then to two or more justices, within whose jurisdiction such marines are billeted, such justices respectively shall have power to order such of the marines to be removed and to be billeted upon other persons as they shall see cause; and when any horses belonging to the officers of Her Majesty's Royal Marine forces shall be billeted upon the occupiers of houses who shall have no stables, then upon a written requisition of the officer commanding such marines, the constable is hereby required to billet the horses upon some other person or persons having stables, and who are by this Act liable to have officers and marines billeted upon them, and any two or more justices of the peace may order a proper allowance to be paid by the persons relieved to the persons receiving such horses, or to be applied in the furnishing the requisite accommodation; and the commanding officer may exchange any man or horse billeted in any place with another man or horse billeted in the same place, for the convenience or benefit of the service, provided

the number of men and horses do not exceed the number at that time billeted on such houses respectively, and the constables are hereby required to billet such men and horses so exchanged accordingly; and it shall be lawful for any justice, at the request of any officer or non-commissioned officer commanding any marines requiring billets, to extend any route, or to enlarge the district within which billets shall be required, in such manner as shall appear to be most convenient to Her Majesty's service: Provided also, that to prevent or punish all abuses in billeting marines, it shall be lawful for any justice, within his jurisdiction, by warrant or order under his hand, to require any constable to give him an account in writing of the number of officers and marines who shall be quartered by such constables, together with the names of the persons upon whom such officers and marines are billeted, stating the street or place where such persons dwell, and the signs, if any, belonging to the houses: Provided always, that no officer shall be compelled or compellable to pay anything for his lodging where he shall be duly billeted: Provided also, that no justice being an officer of Royal Marines shall directly or indirectly be concerned in billeting or appointing quarters under this Act.

Allowance to innkeepers.

74. The innholder or other person on whom any marine is billeted in Great Britain shall, if required by such marine, furnish him for every day on the march, and for a period not exceeding two days, when halted at any intermediate place upon the march, and for the day of the arrival at the place of final destination, with one hot meal in each day, the meal to consist of such quantities of diet and small beer as may be fixed by Her Majesty's regulations, not exceeding one pound and a quarter of meat previously to being dressed, one pound of bread, one pound of potatoes or other vegetables, and two pints of small beer, and vinegar, salt, and pepper, and for such meal the innholder or other person furnishing the same shall be paid the sum of tenpence, and twopence halfpenny for a bed; and all innholders and other persons on whom marines may be billeted in Great Britain or Ireland, except when on the march in Great Britain, and entitled to be furnished with the hot meal as aforesaid, shall furnish such marines with a bed and with candles, vinegar, and salt, and shall allow them the use of fire, and the necessary utensils for dressing and eating their meat, and shall be paid in consideration thereof the sum of fourpence per diem for each marine; and the sum to be paid to the innholder or other person on whom any of the horses belonging to Her Majesty's Royal Marine forces shall be billeted, in Great Britain or Ireland, for ten pounds of oats, twelve pounds of hay, and eight pounds of straw, shall be one shilling and ninepence per diem for each horse; and every officer or non-commissioned officer commanding a division, detachment, or party shall every four days, or before they

shall quit their quarters if they shall not remain so long as four days, settle and discharge the just demands of all victuallers or other persons upon whom such officers, marines, or horses are billeted, out of the pay and subsistence of such officers and marines, before any part of the said pay or subsistence be paid or distributed to them respectively; and if any such officer or non-commissioned officer shall not pay the same as aforesaid, then, upon complaint and oath made thereof by any two witnesses before two justices of the peace for the county, riding, division, liberty, city, borough, or place where such quarters were situate, sitting in quarter or petty sessions, the Secretary of the Admiralty is hereby required, upon certificate of the justices before whom such oath shall be made of the sum due to complainant, to order payment of the amount which shall be charged against such officer; and in case of any marines being suddenly ordered to march, and of the commanding officer or non-commissioned officer not being enabled to make payment of the sums due on account of billets, every such officer or non-commissioned officer shall before his departure make up the account with every person upon whom any such marines may have been billeted, and sign a certificate thereof; which account and certificate, on being transmitted to the Secretary of the Admiralty, shall be immediately paid, and charged to the account of such officer or non-commissioned officer.

Supply of carriages.

75. For the regular provision of carriages for the Royal Marine forces and their baggage on their marches in Great Britain and Ireland, all justices of the peace within their several jurisdictions, being duly required thereunto by order of the said Lord High Admiral, or two or more of the Commissioners for executing the said office of Lord High Admiral for the time being, or any colonel commandant or commanding officer of a division of Royal Marines, shall, on the production of such order, or a copy thereof certified by the commanding officer, to them or any one or more of them, by the officer or non-commissioned officer of the party of marines so ordered to march, issue a warrant to any constable having authority to act in any place from, through, near, or to which such marines shall be ordered to march, (for each of which warrants a fee of one shilling only shall be paid,) requiring him to provide the carriages, horses, oxen, and drivers therein mentioned, (allowing sufficient time to do the same,) specifying the places from and to which the said carriages shall travel, and the distance between the places, for which distance only so specified payment shall be demanded, and which distance shall not, except in cases of pressing emergency, exceed the day's march prescribed in the order of route, and shall in no case exceed twenty-five miles; and the constables receiving such warrant shall order such persons as they shall think proper, having

carriages, to furnish the requisite supply, who are hereby required to furnish the same accordingly; and in case sufficient carriages cannot be procured within the proper jurisdiction, any justice of the next adjoining jurisdiction shall, by a like course of proceeding, supply the deficiency; and in order that the burden of providing carriages may fall equally, and to prevent inconvenience arising from there being no justice residing near the place where marines may be quartered on the march, the justice or justices residing nearest to such place shall cause a list to be made out, at least once in every year, of all persons liable to furnish such carriages, and of the number and description of their said carriages, which list shall at all seasonable hours be open to the inspection of the said persons, and shall by warrant under his hand authorise the constables within his jurisdiction to give orders to provide carriages without any special warrant from him for that purpose, which orders shall be valid in all respects; and all orders for such carriages shall be made from such lists in regular rotation, so far as the same can be done.

Rates for carriages.

76. In every case in which the whole distance for which any carriage shall be impressed shall be under one mile the rate of a full mile shall be paid; and the rates to be paid for carriages impressed shall be, in Great Britain, for every mile which a waggon with four or more horses, or a wain with six oxen or four oxen and two horses, shall travel, one shilling; and for every mile any waggon with narrow wheels, or any cart with four horses, carrying not less than fifteen hundredweight, shall travel, ninepence; and for every mile every other cart or carriage with less than four horses, and not carrying fifteen hundredweight, shall travel, sixpence; and in Ireland for every hundredweight loaded on any wheel carriage one halfpenny per mile; and in Great Britain such further rates may be added, not exceeding a total additional sum per mile of fourpence, threepence, or twopence, to the respective rates of one shilling, ninepence, and sixpence, as may seem reasonable to the justices assembled at general sessions for their respective districts, or to the recorder at the sessions of the peace of any municipal city, borough, or town; and the order of such justices or recorder shall specify the average price of hay and oats at the nearest market town at the time of fixing such additional rates, and the period for which the order shall be enforced, not exceeding ten days, beyond the next general sessions; and no such order shall be valid unless a copy thereof, signed by the presiding magistrate and one other justice, or by the recorder, shall be transmitted to the Secretary of the Admiralty within three days after the making thereof; and also in Great Britain when the day's march shall exceed fifteen miles, the justice granting his warrant may fix a further reasonable compensation not exceeding the usual rate of hire fixed by this Act;

and when additional rates or compensation shall be granted, the justice shall insert in his own hand in the warrant the amount thereof and the date of the order of sessions, if fixed by sessions, and the warrant shall be given to the officer commanding as his voucher; and the officer or non-commissioned officer demanding carriages by virtue of the warrant of a justice shall, in Great Britain, pay down the proper sums into the hands of the constable providing carriages, who shall give receipts for the same on unstamped paper; and, in Ireland, the officers or non-commissioned officers as aforesaid shall pay the proper sums to the owners or drivers of the carriages, and one third part of such payment shall be made before the carriage be loaded, and all the said payments in Ireland shall be made, if required, in presence of a justice or constable; and no carriage shall be liable to carry more than thirty hundredweight in Great Britain, and in Ireland no car shall be liable to carry more than six hundredweight, and no dray more than twelve hundredweight; but the owner of such carriages in Ireland consenting to carry a greater weight shall be paid at the same rate for every hundredweight of the said excess; and the owners of such carriages in Ireland shall not be compelled to proceed, though with any less weight, under the sum of threepence a mile for each car and sixpence a mile for each dray; and the loading of such carriages in Ireland shall be first weighed, if required, at the expense of the owner of the carriage, if the same can be done in a reasonable time without hindrance of Her Majesty's service: Provided also, that a cart with one or more horses, for which the furnisher shall receive ninepence a mile, shall be required to carry fifteen hundredweight at the least; and that no penalties or forfeitures in any Act relating to highways or turnpike roads in the United Kingdom shall apply to the number of horses or oxen or weight of loading of the aforesaid carriages, nor shall any such carriages on that account be stopped or detained; and whenever it shall be necessary to impress carriages for the march of marines from Dublin at least twenty-four hours notice of such march, and in case of emergency as long notice as the case will admit, shall be given to the Lord Mayor of Dublin, who shall summon a proportional number of cars and drays at his discretion out of the licensed cars and drays and other cars and drays within the county of the said city, and they shall by turns be employed on this duty at the prices and under the regulations herein-before mentioned; and no country cars, drays, or other carriages coming to markets in Ireland shall be detained or employed against the will of the owners in carrying the baggage of marines on any pretence whatever.

As to supply of carriages, &c. in cases of emergency.

77. It shall be lawful for the Lord High Admiral, or the Commissioners for executing the office of Lord High Admiral, or the Lord Lieutenant or Chief Governors of Ireland, by their

or his orders distinctly stating that a case of emergency doth exist, signified by the Secretary of the Admiralty, or, if in Ireland, by the chief secretary or under secretary, or the first clerk in the military department, to authorise any commanding officer of Her Majesty's Royal Marine forces in any district or place, or to the chief acting agents for the supply of stores and provisions, by writing under his hand, reciting such order of the Lord High Admiral, or the said Commissioners, or Lord Lieutenant or Chief Governors aforesaid, to require all justices within their several jurisdictions in Great Britain and Ireland to issue their warrants for the provision, not only of waggons, wains, carts, and cars kept by or belonging to any person and for any use whatsoever, but also of saddle horses, coaches, post-chaises, chaises, and other four-wheeled carriages kept for hire, and of all horses kept to draw carriages licensed to carry passengers, and also of boats, barges, and other vessels used for the transport of any commodities whatsoever upon any canal or navigable river as shall be mentioned in the said warrants, therein specifying the place and distance to which such carriages or vessels shall go; and on the production of such requisition, or a copy thereof certified by the commanding officer, to such justice, by any officer of the corps ordered to be conveyed, such justice shall take all the same proceedings in regard to such additional supply so required on such emergency as he is by this Act required to take for the ordinary provision of carriages; and all provisions whatsoever of this Act as regards the procuring of the ordinary supply of carriages, and the duties of officers and non-commissioned officers, justices, constables, and owners of carriages in that behalf, shall be to all intents and purposes applicable for the providing and payment according to the rates of posting or of hire usually paid for such other description of carriages or vessels so required on emergency, according to the length of the journey or voyage in each case, but making no allowance for post horse duty, or turnpike, canal, river, or lock tolls, which duty or tolls are hereby declared not to be demandable for such carriages and vessels while employed in such service or returning therefrom; and it shall be lawful to convey thereon not only the baggage, provisions, and military stores of such detachment, but also the officers, marines, servants, women, children, and other persons of and belonging to the same.

Justices of peace to direct payment of sums expended for carriages, &c.

78. It shall be lawful for the justices of the peace assembled at their quarter sessions to direct the treasurer to pay, without fee, out of the public stock of the county or riding, or if such public stock be insufficient then out of moneys which the said justices shall have power to raise for that purpose, in like manner as for county gaols and bridges, such reasonable sums as shall have been expended by the constables within their respective jurisdictions for carriages and vessels, over and

above what was or ought to have been paid by the officer requiring the same, regard being had to the season of the year and the condition of the ways by which such carriages and vessels are to pass; and in Scotland such justices shall direct such payments to be made out of the rogues money and assessments directed and authorised to be assessed and levied by an Act passed during the session holden during the twentieth and twenty-first years of the reign of Her present Majesty, chapter seventy-two.

Lord Lieutenant of Ireland may depute persons to sign routes.

79. It shall be lawful for the said Lord Lieutenant or other Chief Governor for the time being of Ireland to depute, by warrant under his hand and seal, some proper person to sign routes in cases of emergency for the marching of any of Her Majesty's Royal Marine forces in Ireland in the name of such Lord Lieutenant or Chief Governor.

Exemption from tolls.

80. All officers and marines on duty or on their march, being in proper uniform, dress or undress, and their horses and baggage, and all recruits marching by route, and all prisoners under military escort, and all carriages and horses belonging to Her Majesty or employed in her service under the provisions of this Act, or in any of Her Majesty's colonies, when employed in conveying any such persons as aforesaid or their baggage or stores, or returning from conveying the same, shall be exempted from the payment of any duties and tolls on embarking or disembarking from or upon any pier, wharf, quay, or landing-place, or in passing along or over any turnpike or other roads or bridges, otherwise demandable by virtue of any Act already passed or hereafter to be passed, or by virtue of any prescription, grant, or custom, or by virtue of any Act or ordinance, order or direction, of any colonial legislature or other authority in any of Her Majesty's colonies; and if any toll collector shall demand or receive toll from any marine officer or marine on duty or on their march who shall be in proper uniform, dress or undress, or for their horses, and who by this Act is exempted from payment thereof, or from any recruits marching by route, or from any prisoners under military escort, or for any carriages or horses belonging to Her Majesty or employed in her service under the provisions of this Act, when conveying persons or baggage or stores, or returning therefrom, every such collector shall for every such offence be liable to a penalty not exceeding five pounds; provided that nothing herein contained shall exempt any boats, barges, or other vessels employed in conveying the said persons, horses, baggage, or stores along any canal from payment of tolls in like manner as other boats, barges, and vessels are liable thereto, except when employed in cases of emergency as herein mentioned; and that when any officers or marines on service shall have occasion in the march by route to pass regular ferries in Scotland, the officer commanding shall be

at liberty to pass over with his marines as passengers, paying for himself and each marine one half only of the ordinary rate payable by passengers, or he shall be at liberty to hire the ferry boat for himself and his party, debarring all others for that time, and shall in such case pay only half the ordinary rate for such boat.

Marching money on discharge.

81. Every marine upon being discharged from the service shall be entitled to an allowance (not exceeding in any case the amount of twenty-one days marching money) to enable him to reach his home, or the place at which he shall at the time of his discharge decide to take up his residence, if the cost of conveyance to such a place shall not exceed the cost of conveyance to the place of his original enlistment, which allowance shall be calculated according to the distance he has to travel: Provided always, that no person who shall purchase his own discharge, or be discharged on account of misbehaviour, or at his own desire, before the expiration of his period of service, shall be entitled to any such allowance.

Penalties upon civil subjects offending against the laws relating to billets and carriages.

82. If any constable or other person who by virtue of this Act shall be employed in billeting any officers or marines in any part of the United Kingdom shall presume to billet any such officer or marine in any house not within the meaning of this Act without the consent of the owner or occupier thereof; or shall neglect or refuse to billet any officer or marine on duty when thereunto required in such manner as is by this Act directed, provided sufficient notice be given before the arrival of such marines; or shall receive, demand, or agree for any money or reward whatsoever in order to excuse any person from receiving any such officer or marine; or shall quarter any of the wives, children, men or maid servants of any officer or marine in any such houses against the consent of the occupiers; or shall neglect or refuse to execute such warrants of the justices as shall be directed to him for providing carriages, horses, or vessels, or shall demand more than the legal rates for the same; or if any person ordered by any constable in manner herein-before directed to provide carriages, horses, or vessels shall refuse or neglect to provide the same according to the orders of such constable, or shall demand more than the legal rates for the same, or shall do any act or thing by which the execution of any warrants for providing carriages, horses, or vessels shall be hindered; or if any person liable by this Act to have any officer or marine quartered on him shall refuse to receive any such officer or marine, or to afford him proper accommodation or diet in the house of such person in which he is quartered, or to furnish the several things directed to be furnished to officers and marines, or shall neglect or refuse to furnish good and sufficient stables, together with good and sufficient oats, hay, and straw in Great Britain and Ireland, for each horse, in such quantities and at such rates

as herein-before provided, or if any innkeeper or victualler not having good and sufficient stables shall refuse to pay over to the person or persons who may provide stabling such allowance by way of compensation as shall be directed by any justice of the peace, or shall pay any sum of money to any marine on the march in lieu of furnishing in kind the diet and small beer to which such marine is entitled; such constable, victualler, and other person respectively shall forfeit for every offence, neglect, or refusal any sum not exceeding five pounds nor less than forty shillings; and if any person shall personate or represent himself to be a marine or marine recruit with the view of fraudulently obtaining a billet or money in lieu thereof, he shall for every such offence forfeit any sum not exceeding five pounds nor less than twenty shillings.

Penalty upon officers of marines so offending.

83. If any officer of Royal Marines shall take upon him to quarter men otherwise than is allowed by this Act, or shall use or offer any menace or compulsion to or upon any justice, constable, or other civil officer tending to deter and discourage any of them from performing any part of their duty under this Act, or to do anything contrary thereto, such officer shall for every such offence, being thereof convicted before any two or more justices of the county by the oath of two credible witnesses, be deemed and taken to be ipso facto cashiered, and shall be utterly disabled to hold any military employment in Her Majesty's service; provided a certificate of such conviction be forthwith transmitted by the said justices to the Secretary of the Admiralty, and that the conviction be affirmed at some quarter sessions of the peace for the said county to be held next after the expiration of three months after such certificate shall have been transmitted as aforesaid; and if any marine officer shall take or knowingly suffer to be taken from any person any money or reward for excusing the quartering of officers or marines, or shall billet any of the wives, children, men or maid servants of any officer or marine in any house against the consent of the occupier, he shall for any of the said offences, upon being convicted thereof before a general court-martial, be cashiered; and if any officer shall constrain any carriage to travel beyond the distance specified in the justice's warrant, or shall not discharge the same in due time for their return home on the same day if it be practicable, except in the case of emergency for which the justice shall have given license, or shall compel the driver of any carriage to take up any marine or servant (except such as are sick) or any woman to ride therein, except in cases of emergency as aforesaid, or shall force any constable, by threatening words, to provide saddle horses for himself or servants, or shall force horses from their owners, or in Ireland shall force the owner to take any loading until the same shall be first duly weighed, if the same shall be required, and can be done

within a reasonable time, or shall, contrary to the will of the owner or his servant, permit any person whatsoever to put any greater load upon any carriage than is directed by this Act, he shall forfeit for every offence any sum not exceeding five pounds nor less than forty shillings.

Penalty for forcible entry in pursuit of deserters without warrant.

84. Every marine officer or marine who shall, without warrant from one or more of Her Majesty's justices, forcibly enter into or break open the dwelling-house or outhouse of any person whomsoever in pursuit of any deserters, shall, upon due proof thereof, forfeit the sum of twenty pounds.

Penalty for purchasing clothes, &c. from any marine.

85. Any person who shall knowingly detain, buy, or exchange, or otherwise receive from any marine or marine deserter, or any other person acting for or on his behalf, upon any account or pretence whatsoever, or who shall solicit or entice any marine or marine deserter, or shall be employed by any marine or marine deserter, knowing him to be such, to sell any arms, ammunition, medals for good conduct or distinguishment or other service, marine clothes, or military furniture, or any other articles which, according to the custom of the marine corps, are generally deemed regimental or divisional necessaries, or any provisions, sheets, or other articles used in barracks or provided under barrack regulations, whether on shore or afloat, and whether the marine or marine deserter or other person be or be not borne on the books of any one of Her Majesty's ships, or be or be not embarked, or who shall have in his or her possession or keeping any arms, ammunition, medals, marine clothes, or military furniture, or any other articles which, according to the custom of the marine corps, are generally deemed regimental or divisional necessaries, or any provisions, spirits, sheets, or other articles used in barracks or provided under barrack regulations, and shall not give a satisfactory account how he or she came by the same, or shall change or cause the colour or mark of any such clothes, appointments, necessaries, sheets, or other articles to be changed or defaced, or who shall pawn, sell, or deposit in any place or with any person such articles of regimental necessaries, with or without the consent of such marine, shall forfeit for every such offence any sum not exceeding twenty pounds, together with treble the value of all or any of the several articles; and if any person having been at any time previously convicted of either of the above offences under this or any previous Act for the regulation of Her Majesty's Royal Marine forces while on shore shall afterwards be guilty of any such offence, he or she shall for every such offence forfeit any sum not exceeding twenty pounds but not less than five pounds, and the treble value of all or any of the several articles, and shall, in addition to such forfeiture, be committed to the common gaol or house of correction, there to be imprisoned only, or to be imprisoned with or without hard labour, for

such term not exceeding six calendar months as the convicting justice or justices shall think fit; and upon any information against any person for a second or any subsequent offence, a copy of the former conviction, certified by the proper officer having the care or custody of such conviction, or any copy of the same proved to be a true copy, shall be sufficient evidence to prove such former conviction; and if any credible person shall prove, on oath before a justice of the peace or person exercising like authority according to the laws of that part of Her Majesty's dominions in which the offence shall be committed, a reasonable cause to suspect that any person has in his or her possession or on his or her premises any property of the description herein-before described, on or with respect to which any such offence shall have been committed, such justice may and he is hereby required to grant a warrant to search for such property as in the case of stolen goods; and if upon such search any such property shall be found, the same shall and may be seized by the officer charged with the execution of such warrant, who shall bring the offender in whose possession the same shall be found before the same or any other justice of the peace, to be dealt with according to law.

Penalty on unlawful recruiting.

86. Every person (except such recruiting parties as may be stationed under military command) who shall cause to be advertised, posted, or dispersed bills for the purpose of procuring recruits or substitutes for the Royal Marines, or shall open or keep any house or place of rendezvous or office, or receive any person therein under such bill or advertisement as connected with the marine recruiting service, or shall directly or indirectly interfere therewith, without permission in writing from the Lord High Admiral or the said Commissioners for executing the office of Lord High Admiral, shall forfeit for every such offence a sum not exceeding twenty pounds.

Penalty on killing game without leave.

87. For the better preservation of the game and fish in or near places where any officer shall at any time be quartered, every officer who shall, without leave in writing from the person or persons entitled to grant such leave, take, kill, or destroy any game or fish within the United Kingdom, shall for every such offence forfeit the sum of five pounds.

Limitations of actions.

88. If any action shall be brought against any member or members of a court-martial to be assembled under the authority of this Act, or of any Act heretofore passed for the regulation of Her Majesty's Royal Marine forces while on shore, in respect of the proceedings or the sentence thereof, or against any other person, for anything done in pursuance or under the authority of this Act, or of any Act heretofore passed for the regulation of Her Majesty's Royal Marine forces while on shore, the same shall be brought in some one of the courts of record at Westminster or Dublin, or in the Court of Session in Scotland, and shall be commenced within six months next

after the cause of action shall arise, and it shall be lawful for the defendant or defendants therein, or in any such action now pending, to plead thereto the general issue, and to give all special matter in evidence on the trial; and if the verdict shall be for the defendant in any such action, or if the plaintiff shall become nonsuit or suffer any discontinuance thereof, or if, in Scotland, the court shall see fit to assoilzie the defendant or dismiss the complaint, the court in which the matter shall be tried shall allow the defendant treble costs, for the recovery of which he shall have the like remedy as in other cases where costs by the laws of this realm are given to defendants.

Recovery of penalties.

89. All offences for which any pecuniary penalty or forfeiture not exceeding twenty pounds, over and above any forfeiture of value or treble value, is by this Act imposed, shall and may be heard and determined by any justice of the peace in or near to the place where the offence shall be committed, or where the offender may at any time happen to be; and all such penalties and forfeitures, and forfeiture of value and treble value, and also the reasonable costs attending the prosecution, to be duly ascertained and awarded by such justice, shall and may be enforced and recovered in the same manner as any pecuniary penalties may be recovered under the provisions of an Act passed in the twelfth year of the reign of Her Majesty, intituled "An Act to facilitate the performance "of the duties of justices of the peace out of sessions within "England and Wales with respect to summary convictions and "orders:" Provided always, that in all cases in which there shall not be sufficient goods whereon any penalty or forfeiture or treble value can be levied, the offender may be committed and imprisoned, with or without hard labour, for any time not exceeding six calendar months; which said recited Act shall be used and applied in Scotland and in Ireland for the recovery of all such penalties and forfeitures or treble value as fully to all intents as if the said recited Act had extended to Scotland and Ireland, anything in the said recited Act, or in an Act passed in the fourteenth and fifteenth years of the reign of Her Majesty Queen Victoria, intituled "An Act to consolidate "and amend the Acts regulating the proceedings at petty "sessions, and the duties of justices of the peace out of quarter "sessions, in Ireland," to the contrary notwithstanding; and all such offences committed in the British Isles, or in any of Her Majesty's dominions other than the United Kingdom, may be determined, and the penalties and forfeitures of value or treble value recovered, before any justices of the peace or persons exercising like authority, according to the laws of Her Majesty's dominions in which the offence shall be committed or the offender may at any time happen to be, and for default of payment the offender shall be punished as if the offence

11 & 12 Vict. c. 43.

14 & 15 Vict. c. 93.

had been committed in the United Kingdom; and all penalties and forfeitures by this Act imposed exceeding twenty pounds shall be recovered by action in some of the Courts of Record at Westminster or in Dublin or in the Court of Session in Scotland, and in no other court in the United Kingdom, and may be recovered in the British Isles or in any other part of Her Majesty's dominions, in any of the royal or superior courts of such isles or other parts of Her Majesty's dominions. In any proceeding under this Act whereby any person incurs a penalty or forfeiture, such person may also be adjudged to pay the costs of such proceedings by the justice or justices or the court imposing such penalty or forfeiture.

Appropriation of penalties.

90. One moiety of every such penalty or forfeiture, not including any treble value of any articles, shall go to the person who shall inform or sue for the same, and the other moiety, together with the treble value of such articles, or, where the offence shall be proved by the person who shall inform, then the whole of the penalty and such treble value, shall be paid over and applied in such manner as the Lord High Admiral or the Commissioners for executing the office of Lord High Admiral shall direct, anything in an Act passed in the sixth year of the reign of His late Majesty King William the Fourth, intituled "An Act to provide for the "regulation of municipal corporations in England and Wales," or in any other Act or Acts of Parliament, to the contrary notwithstanding; and every justice who shall adjudge any penalty under this Act shall within four days thereafter at the furthest report the same, and his adjudication thereof, to the Secretary of the Admiralty.

5 & 6 W. 4. c. 76.

Licenses of canteens.

91. It shall be lawful for any two justices of the peace, within their respective jurisdictions, to grant or transfer any license for selling by retail any spirit, beer, wine, cider, or perry to any person or persons applying for the same who shall hold any canteen under any lease thereof, or by agreement with any department or other authority under the said Lord High Admiral, or the Commissioners for executing the office of Lord High Admiral for the time being, without regard to the time of year, or any notices or certificates required by any Act in respect of such licenses; and the Commissioners of Excise or their proper officers within their respective districts shall also grant or transfer any such license as aforesaid; and such persons holding such canteens, and having such licenses as aforesaid, may sell therein victuals, and all such exciseable liquors as they shall be licensed and empowered to sell, without being subject for so doing to any penalty or forfeiture whatever.

Mode of recording a

92. The statement made by a recruit on his attestation of his place of birth shall (until legally disproved) be taken to be

the place of his settlement, to which upon his discharge he may be sent by the Lord High Admiral or the Commissioners for executing the office of Lord High Admiral for the time being, but any justice in the United Kingdom, within whose jurisdiction any marine shall be quartered on shore, may summon such marine before him, which summons such marine is hereby required to obey, and take his examination in writing upon oath touching the place of his last legal settlement; and such justice shall give an attested copy of such examination to the person so examined, to be by him delivered to his commanding officer to be produced when required; which said examination and such attested copy thereof shall be at any time admitted as good and legal evidence as to such legal settlement before any justice or at any general or quarter sessions of the peace, although such marine be dead or absent from the kingdom: Provided always, that in case any marine shall be again summoned to make oath as aforesaid, then, on such examination or such attested copy being produced, such marine shall not be obliged to make any other or further oath with regard to his legal settlement, but shall leave with such justice a copy of such examination or a copy of such attested copy of examination, if required.

Marine's settlement.

93. Notwithstanding anything in this Act contained, a marine shall be liable to contribute to the maintenance of his wife and of his children, and also to the maintenance of any bastard child of which he may be proved to be the father, to the same extent as if he were not a marine; but execution shall not issue against his military necessaries or equipments, nor shall he be liable to be imprisoned or taken out of Her Majesty's service in consequence of such liability, or any order made for enforcing the same; nor shall he be liable to be punished as an idle or disorderly person, or as a rogue and vagabond, or as an incorrigible rogue, under the Act passed in the fifth year of the reign of King George the Fourth, chapter eighty-three, intituled "An Act for the punishment of idle "and disorderly persons, and rogues and vagabonds, in that "part of Great Britain called England," or under any other Act of Parliament, for the offence of neglecting to maintain his family or any member thereof, or of leaving his family or any member thereof chargeable to any parish, township, or place, or combination of parishes, or to the common fund of any union; nor shall he, in Ireland, be liable to be convicted under the Act passed in the session of Parliament held in the tenth and eleventh years of the reign of Her present Majesty, intituled "An Act to make provision for the punishment of "vagrants and persons offending against the laws in force "for the relief of the destitute poor in Ireland," for the offence of deserting or wilfully neglecting to maintain his wife

Liability of marine to maintain wife and children.

or any child whom he may be liable to maintain, so that such wife or child shall become destitute and be relieved in or out of the workhouse of any union in Ireland.

When any order is made under the Acts relating to the relief of the poor, or under the Bastardy Acts, on a marine, or, in Scotland, decree is pronounced by a court of law having jurisdiction in an action of aliment or filiation and aliment against a marine for the maintenance of his wife or children, or for the maintenance of any such bastard child as aforesaid, or any of such persons, or where, in Ireland, any civil bill decree has been made for the cost of the maintenance of any illegitimate child against any marine being the putative father of such child, under the provisions of the Act passed in the session of Parliament held in the twenty-sixth and twenty-seventh years of the reign of Her present Majesty, intituled "An Act to amend the law enabling boards of guardians "to recover costs of maintenance of illegitimate children in "certain cases in Ireland," or when any order or decree has been made on or against any marine for the recovery of the cost of any relief given to the wife or child of such marine under the Acts relating to the relief of the poor in Ireland by way of loan, a copy of such order or decree shall be left at the office of the said Lord High Admiral or the said Commissioners for executing the office of Lord High Admiral, and the said Lord High Admiral or the said Commissioners for executing the office of Lord High Admiral may withhold a portion not exceeding sixpence of the daily pay of a non-commissioned officer who is not below the rank of sergeant, and not exceeding threepence of the daily pay of any other marine, and allot the sum so withheld in liquidation of the sum adjudged to be paid by such order or decree.

Where a summons is issued against a marine under the said Acts, or any of them, or an action is raised against him at common law or under any Act of Parliament, for the purpose of enforcing against him any such liability as aforesaid, and such marine is quartered out of the petty sessional division in which the summons is issued, or out of the jurisdiction of the court in which the action is raised, the summons shall be served on his commanding officer, and such service shall not be valid unless there be left therewith, or along with the service copy thereof, in the hands of the commanding officer, a sum of money to be adjudged as costs incurred in obtaining the order or decree (should an order be obtained or decree pronounced against the marine) sufficient to enable him to attend the hearing of the case, and return to his quarters; and no summons whatever under the said Acts or any of them, or at common law, shall be valid against a marine if served after the time at which an order has been given for his embarkation for service out of the United Kingdom.

94. All oaths and declarations which are authorised or required by this Act may be administered (unless where otherwise provided) by any justice of the peace or other person having authority to administer oaths and declarations; and any person giving false evidence, or taking a false oath or declaration where an oath or declaration is authorised or required to be taken by this Act, and being thereof duly convicted, shall be deemed guilty of wilful and corrupt perjury, and shall be liable to such pains and penalties as persons convicted of wilful and corrupt perjury are or may be subject and liable to; and every commissioned officer convicted before a general court-martial of perjury shall be cashiered, and every marine or other person amenable to the provisions of this Act found guilty thereof by a general or other court-martial shall be punished at the discretion of such court: Provided always, that nothing in this Act contained shall be construed to render an oath necessary in any case where by law a solemn affirmation may be made instead thereof.

Administration of oaths.

Perjury.

95. All clauses and provisions in this Act contained relating to England shall be construed to extend to Wales and to the town of Berwick-upon-Tweed; and the provisions of this Act shall apply to all persons who are or shall be commissioned or in pay as an officer of Royal Marines, or who are or shall be listed or in pay as a non-commissioned officer or marine; and all clauses and provisions relating to marines shall be construed to include non-commissioned officers and drummers, unless when otherwise provided; and all clauses and provisions relating to justices shall be construed to extend to all magistrates authorised to act as such in their respective jurisdictions; and all the powers given to and regulations made for the conduct of constables, and all penalties and forfeitures for any neglect thereof, shall extend to all tithingmen, headboroughs, and such-like officers, and to all inspectors or other officers of police, and to high constables and other chief officers and magistrates of cities, towns, villages, and places in England and Ireland, and to all justices of the peace, magistrates of burghs, commissioners of police, and other chief officers and magistrates of cities, towns, villages, parishes, and places in Scotland, who shall act in the execution of this Act; and all powers and provisions for billeting marines in victualling houses shall extend and apply to all inns, hotels, livery stables, alehouses, and to the houses of sellers of wine by retail, whether British or foreign, to be drunk in their own houses or places thereunto belonging, to all houses of persons licensed to sell beer, ale, porter, cider, or perry by retail, to be consumed or drunk in their dwelling-houses or premises, and to all houses of persons selling brandy, spirits, strong waters, cider, or metheglin by retail in Great Britain and Ireland; and in Ireland, when there shall not be found sufficient room

Definition of terms.

in such houses, then marines may be billeted in such manner as has been heretofore customary: Provided always, that no officer or marine shall be billeted in Great Britain in any private houses, or in any canteen held or occupied under the authority of the Admiralty, War, or Marine Department, or upon persons who keep taverns only, being vintners of the city of London admitted to their freedom of that company in right of patrimony or apprenticeship, notwithstanding such persons who keep such taverns only have taken out victualling licenses; nor in the house of any distiller kept for distilling brandy and strong waters; nor in the house of any shopkeeper whose principal dealings shall be more in other goods and merchandise than in brandy and strong waters, so as such distillers and shopkeepers do not permit tippling in such houses; nor in the house or residence in any part of the United Kingdom of any foreign consul duly accredited as such.

Marines not to be billeted in private houses, &c.

Duration of Act.

96. This Act shall be in force within Great Britain from the twenty-fifth day of April one thousand eight hundred and seventy-five until the twenty-fifth day of April one thousand eight hundred and seventy-six inclusive; and within Ireland, and in Jersey, Guernsey, Alderney, Sark, and the Isle of Man, and the islands thereto belonging, from the first day of May one thousand eight hundred and seventy-five until the first day of May one thousand eight hundred and seventy-six inclusive; and within the garrison of Gibraltar, and within the Mediterranean, and in Spain and Portugal, from the first day of August one thousand eight hundred and seventy-five until the first day of August one thousand eight hundred and seventy-six inclusive; and in all other parts of Europe where Royal Marine forces may be serving, and the West Indies and North America, and Cape of Good Hope, from the first day of September one thousand eight hundred and seventy-five until the first day of September one thousand eight hundred and seventy-six inclusive; and in all other places from the first day of February one thousand eight hundred and seventy-six until the first day of February one thousand eight hundred and seventy-seven inclusive: Provided always, that this Act shall, from and after the receipt and promulgation thereof in general orders in any part of Her Majesty's dominions or elsewhere beyond the seas, become and be in full force, anything herein contained to the contrary notwithstanding.

SCHEDULE referred to by this Act.

FORM of OATHS to be taken by MEMBERS of COURTS-MARTIAL.

YOU shall well and truly try and determine according to the evidence in the matter now before you. So help you GOD.

YOU shall duly administer justice, according to the rules and articles for the better government of Her Majesty's Royal Marine forces, and according to an Act now in force for the regulation of the said forces while on shore, without partiality, favour, or affection, and if any doubt shall arise which is not explained by the said articles or Act, according to your conscience, the best of your understanding, and the custom of war in the like cases: And you shall not divulge the sentence of the court until it shall be duly approved; neither shall you, upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof as a witness by a court of justice or a court-martial in a due course of law. So help you GOD.

FORM of OATH of JUDGE ADVOCATE.

I do swear, that I will not, upon any account whatsoever, disclose or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof as a witness by a court of justice or a court-martial in a due course of law; and that I will not, unless it be necessary for the due discharge of my official duties, disclose the sentence of the court until it shall be duly approved.

So help me GOD.

NOTICE to be given to a RECRUIT at the Time of his ENLISTMENT.

Date 18 .

A.B.

TAKE notice, that you enlisted with at o'clock* on the day of for the Royal Marines, and if you do not come forward to [*here name some place*] on or before o'clock* on the day of for the purpose of being taken before a justice, either to be attested or to release yourself from your engagement by repaying the enlisting shilling and any pay you may have received as a recruit, and by paying twenty shillings as smart money, you will be liable to be punished as a rogue and vagabond.

You are hereby also warned that you will be liable to the same punishment if you make any wilfully false representations at the time of attestation.

Signature of the non-commissioned officer serving the notice. } _____

* At A.M. or P.M., as the case may be.

DECLARATION to be made by RECRUIT on ATTESTATION.

I now residing in the parish of in the county of , do solemnly and sincerely declare, that to the best of my knowledge and belief I was born in the parish of (*a*) in or near the town of (*b*) in the county of (*c*) , and am years of age; that I am of the trade or calling of [*or* of no trade or calling, *as the case may be*]; that I am not an apprentice; that I am married (that I am not a widower; that I am a widower, and that I have (*or* have not) children) [*or* not married, *as the case may be*]; that I do not belong to the militia, or to the Naval Coast Volunteers, or Royal Naval Volunteers, or to any portion of Her Majesty's land or sea forces; that I have never served Her Majesty by land or sea in any military, marine, or naval employment whatsoever, except ; that I have never been marked with the letter D; that I have never been rejected as unfit for Her Majesty's service on any previous enlistment; that I was enlisted at on the day of 18 , at o'clock m. by of , and that I have read [*or* had read to me] the notice then given to me and understood its meaning; that I enlisted for a bounty of and a free kit [*as the case may be*], and have no objection to make to the manner of my enlistment; that I am willing to be attested to serve in the Royal Marines for the term of [*the blank after the words* "term of" *to be filled up with twelve years, if the person enlisted is of the age of eighteen years or upwards; but if under that age, then the difference between his age and eighteen is to be added to such twelve years*], provided Her Majesty should so long require my services, and also for such further term, not exceeding two years, as shall be directed by the commanding officer on any foreign station.

_____ *Signature of recruit.*

_____ *Signature of witness.*

Note (*a*), (*b*), (*c*).—These blanks need not be filled up if the recruit is unable to give the requisite information.

OATH to be taken by a RECRUIT on ATTESTATION.

I DO make oath, that I will be faithful and bear true allegiance to Her Majesty, her heirs and successors; and that I will, as in duty bound, honestly and faithfully defend Her Majesty, her heirs and successors, in person, crown, and dignity, against all enemies, and will observe and obey all orders of Her Majesty, her heirs and successors, and of the generals and officers set over me.

So help me GOD.

Witness my hand, _____ *Signature of the recruit.*

_____ *Witness present.*

Declared and sworn before me at this day of one thousand eight hundred and at o'clock.

_____ *Signature of the justice.*

DECLARATION to be made by a MARINE renewing his Service.

I do declare, that I am at present [*or* was, *as the case may be*,] in the division of the Royal Marine forces; that I enlisted on the day of for a term of years; that I am of the age of years; and that I will serve Her Majesty, her heirs and successors, as a marine, for a further term of years [*to be filled up with such number of years as shall be required to complete a total service of twenty-one years*], provided my services should so long be required, and also for such further term, not exceeding two years, as shall be directed by the commanding officer on any foreign station.

_____ *Signature of marine.*

_____ *Signature of witness.*

Declared before me this day of 18 .

FORM of OATH to be taken by a MASTER whose Apprentice has absconded.

I of do make oath, that I am by trade a , and that was bound to serve as an apprentice to me in the said trade, by indenture dated the day of for the term of years; and that the said did on or about the day of last abscond and quit my service without my consent, and that to the best of my knowledge and belief the said is aged about years. Witness my hand at the day of one thousand eight hundred and .

Sworn before me at this day of one thousand eight hundred and .

FORM of JUSTICE'S CERTIFICATE to be given to the MASTER of an Apprentice.

to wit. } I one of Her Majesty's justices of the peace of certify, that of came before me at the day of one thousand eight hundred and and made oath that he was by trade a , and that was bound to serve as an apprentice to him in the said trade, by indenture dated the day of , for the term of years; and that the said apprentice did on or about the day of abscond and quit the service of the said without his consent, and that to the best of his knowledge and belief the said apprentice is aged about years.

DESCRIPTION RETURN of who was apprehended [*or* surrendered himself, *as the case may be*] on the day of and was committed to confinement at on the day of as deserter from the Royal Marines.

Age - - - - -	
Height - - - - -	Feet. Inches.
Complexion - - - -	
Hair - - - - -	
Eyes - - - - -	
Marks - - - - -	
Probable date of enlistment, and where	
Probable date of desertion, and from what place - - - -	
Name and occupation and address of the person by whom or through whose means the deserter was apprehended and secured - -	
* Particulars of the evidence on which the prisoner is committed, and showing whether he surrendered or was apprehended, and in what manner, and upon what grounds -	

* It is important for the public service, and for the interest of the deserter, that this part of the return should be accurately filled up, and the details should be inserted by the magistrate in his own handwriting, or, under his direction, by his clerk.

I do hereby certify, that the prisoner has been duly examined before me as to the circumstance herein stated, and has declared in my presence that he † a deserter from the above-mentioned corps.

——— *Signature and address of magistrate.*

——— *Signature of prisoner.*

——— *Signature of informant.*

† Insert "is" or "is not," as the case may be.

I certify, that I have inspected the prisoner, and consider him ‡ for military service.

——— *Signature of military medical officer, or of private medical practitioner.*

‡ Insert "fit" or "unfit," as the case may be; and, if unfit, state the cause of unfitness.

CHAPTER 9.

An Act to repeal section eight of the Building Societies Act, 1874, and make other provision in lieu thereof.

[22d April 1875.]

WHEREAS by the Building Societies Act, 1874, the Act of the session of the sixth and seventh years of the reign of His late Majesty King William the Fourth, chapter thirty-two, intituled "An Act for the regulation of benefit building societies," was repealed, subject as in the recited Act mentioned, and by section eight of the said Building Societies Act, 1874, it was enacted as follows:

"Every society, the rules of which have been certified under "the said repealed Act, shall be deemed to be a society under "this Act, and may obtain a certificate of incorporation under "this Act, and thereupon its rules shall, so far as the same "are not contrary to any express provisions of this Act, con-"tinue in force until altered or rescinded as herein-after "mentioned:"

And whereas the words in the said section, whereby existing societies not having a certificate of incorporation are deemed to be societies under the Building Societies Act, 1874, were inserted through inadvertence:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. Section eight of the Building Societies Act, 1874, is hereby repealed as from the date of the commencement of such last-mentioned Act: Provided that such repeal shall not affect any certificate of incorporation given, or any other thing heretofore done or suffered in pursuance of such section before the date of the passing of this Act. Repeal of s. 8. of 37 & 38 Vict. c. 42.

2. From and after the passing of this Act every society, the rules of which have been certified under the said Act of the session of the sixth and seventh years of the reign of His late Majesty King William the Fourth, chapter thirty-two, intituled "An Act for the regulation of benefit building societies," may obtain a certificate of incorporation under the Building Societies Act, 1874, and thereupon shall be deemed to be a society under that Act; and its rules shall, so far as the same are not contrary to any express provisions of that Act, continue in force until altered or rescinded as in that Act mentioned. Substitution of clause for s. 8. of 37 & 38 Vict. c. 42.

3. This Act may be cited as the Building Societies Act, 1875. Short title.

CHAPTER 10.

An Act to apply the sum of Fifteen millions out of the Consolidated Fund to the service of the year ending the thirty-first day of March one thousand eight hundred and seventy-six. [13th May 1875.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, towards making good the supply which we have cheerfully granted to Your Majesty in this session of Parliament, have resolved to grant unto Your Majesty the sum herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Issue of 15,000,000*l.* out of the Consolidated Fund for the service of the year ending 31st March 1876.

1. The Commissioners of Her Majesty's Treasury for the time being may issue out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and apply towards making good the supply granted to Her Majesty for the service of the year ending on the thirty-first day of March one thousand eight hundred and seventy-six, the sum of fifteen million pounds.

Power to Treasury to borrow from time to time.

2. The Commissioners of the Treasury may borrow from time to time on the credit of the said sum, any sum or sums not exceeding in the whole the sum of fifteen million pounds, and shall repay the moneys so borrowed, with interest not exceeding five pounds per centum per annum, out of the growing produce of the Consolidated Fund at any period not later than the next succeeding quarter to that in which the said sums were borrowed.

Any sums so borrowed shall be placed to the credit of the account of Her Majesty's Exchequer, and shall form part of the said Consolidated Fund, and be available in any manner in which such fund is available.

CHAPTER 11.

An Act to enable limited Owners to grant or demise Lands for Glebes in Ireland. [13th May 1875.]

WHEREAS it is expedient to extend the benefits of the "Leasing Powers Act for Religious Worship in Ireland, 1855," to the late Established Church of Ireland, hereinafter described as the "said Church:"

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited for all purposes as "The Leasing Powers Amendment Act for Religious Purposes in Ireland, 1875," and this and the said before-mentioned Act of 1855 shall be read together as one Act. Short title of Act.

2. The term "lessee" shall include the Representative Body of the said Church. Lessee.

3. The said Leasing Powers Act for Religious Worship in Ireland, 1855, shall, as hereby amended, be held and construed to extend to the said Church, and all the rights, powers, privileges, and liabilities in the said Act contained in reference to congregations not belonging to the late Established Church of Ireland shall be deemed and held to apply and are hereby extended to the said Church, so far as the nature of the case may permit. Leasing Powers, &c. Act extended to Protestant Episcopal Church in Ireland.

4. Where any lease or grant shall have been made before the passing of this Act for any of the purposes in this Act mentioned, and for a period less than the term for which a lease may be made under this Act, it shall be lawful for the person enabled to make a lease of such land under this Act to accept a surrender of such existing lease or grant, and make a new lease under this Act of the same land, or of the same land and any other land in conjunction therewith; provided that the entire quantity comprised in such new lease shall not exceed five acres. Surrender of certain leases or grants may be accepted, and new lease made.

5. This Act shall extend to Ireland only. Extent of Act.

CHAPTER 12.

An Act to amend the Law relating to International Copyright. [13th May 1875.]

WHEREAS by an Act passed in the fifteenth year of the reign of Her present Majesty, chapter twelve, intituled "An Act to enable Her Majesty to carry into effect a convention with France on the subject of copyright; to extend and explain the International Copyright Acts; and to explain the Acts relating to copyright in engravings," it is enacted, that "Her Majesty may, by Order in Council, direct that authors of dramatic pieces which are, after a future time, to be specified in such order, first publicly represented in any foreign country, to be named in such order, their executors, administrators, and assigns, shall, subject to the provisions therein-after mentioned or referred to, be empowered to prevent the representation in the British dominions of any 15 Vict. c. 12.

" translation of such dramatic pieces not authorised by them, " for such time as may be specified in such order, not ex- " tending beyond the expiration of five years from the time " at which the authorised translations of such dramatic pieces " are first published and publicly represented:"

And whereas by the same Act it is further enacted, "that, " subject to any provisions or qualifications contained in such " order, and to the provisions in the said Act contained or " referred to, the laws and enactments for the time being in " force for ensuring to the author of any dramatic piece first " publicly represented in the British dominions the sole liberty " of representing the same shall be applied for the purpose " of preventing the representation of any translations of the " dramatic pieces to which such order extends, which are not " sanctioned by the authors thereof:"

And whereas by the sixth section of the said Act it is provided, that "nothing in the said Act contained shall be so con- " strued as to prevent fair imitations or adaptations to the " English stage of any dramatic piece or musical composition " published in any foreign country:"

And whereas it is expedient to alter or amend the last-mentioned provision under certain circumstances:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; viz.,

Section 6 of recited Act not to apply to dramatic pieces in certain cases

1. In any case in which, by virtue of the enactments hereinbefore recited, any Order in Council has been or may hereafter be made for the purpose of extending protection to the translations of dramatic pieces first publicly represented in any foreign country, it shall be lawful for Her Majesty by Order in Council to direct that the sixth section of the said Act shall not apply to the dramatic pieces to which protection is so extended; and thereupon the said recited Act shall take effect with respect to such dramatic pieces and to the translations thereof as if the said sixth section of the said Act were hereby repealed.

CHAPTER 13.

An Act to extend to the Docks, Custom Houses, Inland Revenue Offices, and Bonding Warehouses in England and Ireland certain provisions of The Bank Holidays Act, 1871, and to amend the same.

[13th May 1875.]

WHEREAS it is expedient to amend "The Bank Holidays Act, 1871," (in this Act referred to as the Holidays Act

of 1871,) and to extend certain of the holidays named therein to the Customs, bonding warehouses, and docks, and to amend the Acts relating to holidays in the inland revenue offices in England and Ireland:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; that is to say,

Certain days mentioned in schedule to be holidays.

1. From and after the passing of this Act, the several days and each and every of them in the schedule to this Act mentioned, being holidays under the Holidays Act of 1871, shall be kept as public holidays in the Customs, inland revenue offices, and bonding warehouses in England and Ireland respectively; and it shall be lawful for the directors or governing body (by whatever name known) of any dock or docks in England and Ireland respectively to cause the said days or any of them to be kept as holidays in such dock or docks, any restraining clause in any Act of Parliament notwithstanding: Provided that such directors or governing body shall give notice thereof by inserting an advertisement to that effect in some newspaper circulating in the locality of such dock or docks, and by affixing to the principal gates of the said dock or docks, or to some conspicuous place in the immediate neighbourhood, a notice to the same effect for at least a week immediately preceding any day which it is intended to observe as a holiday under this Act; and the anniversary of the coronation of Her Majesty and her successors, and the birthday of the Prince of Wales shall no longer be kept as holidays in any inland revenue office in England or Ireland.

When 26th Dec. falls on a Sunday Monday to be the holiday.

2. Whenever the twenty-sixth day of December shall fall on a Sunday, the Monday immediately next following, that is to say, the twenty-seventh day of December, shall be a holiday under this Act, and also under the Holidays Act of 1871.

Exercise of powers by Lord Lieutenant of Ireland.

3. The powers conferred on Her Majesty by sections four and five of the Holidays Act of 1871 may be exercised in Ireland, as far as relates to that part of the United Kingdom, by the Lord Lieutenant in Council, and section six of that Act is hereby repealed; and those powers of Her Majesty and of the Lord Lieutenant in Council shall extend to holidays under this Act.

Short title.

4. This Act may be cited for all purposes as the Holidays Extension Act, 1875.

SCHEDULE.

Easter Monday.
Monday in Whitsun week.
The first Monday in August.
The twenty-sixth of December (if a week day).

CHAPTER 14.

An Act to amend and continue certain Acts for the Preservation of the Peace in Ireland, and to grant an Indemnity in certain cases. [28th May 1875.]

WHEREAS by the Peace Preservation (Ireland) Acts Continuance Act, 1873, the Peace Preservation (Ireland) Act, 1870, and the Protection of Life and Property in certain Parts of Ireland Act, 1871, were, subject as therein mentioned, limited to expire on the first day of June one thousand eight hundred and seventy-five:

And whereas by the Expiring Laws Continuance Act, 1874, the Act passed in the session of Parliament held in the second and third years of the reign of Her present Majesty, intituled "An Act to extend and render more effectual for five years an "Act passed in the fourth year of his late Majesty George the "Fourth, to amend an Act passed in the fiftieth year of His "Majesty George the Third, for preventing the administering "and taking of unlawful oaths in Ireland," as amended by the Act passed in the session of Parliament held in the eleventh and twelfth years of the reign of Her present Majesty, chapter eighty-nine, and continued by divers Acts, was continued and limited to expire on the thirty-first day of December one thousand eight hundred and seventy-five:

And whereas it is expedient to amend the said Acts, and as amended to continue them for further limited periods:

And whereas various persons have, by reason of neglect or otherwise, not complied with the directions contained in the second section of the said Act of the second and third years of the reign of Her present Majesty:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as "The Peace Preservation (Ireland) Act, 1875."

Repeal of certain parts of Peace Preservation (Ireland) Act, 1870.

2. From and after the passing of this Act the parts of the Peace Preservation (Ireland) Act, 1870, specified in the Schedule (A.) to this Act annexed, shall be and the same are hereby repealed: Provided always, that such repeal shall not affect

anything done or suffered or any liability incurred under the enactments repealed.

Continuance of Peace Preservation (Ireland) Act, 1870, subject to amendments and modifications herein stated.

3. The Peace Preservation (Ireland) Act, 1870, and the Act and Acts therein designated or referred to as the Peace Preservation Act (except such parts thereof as are by this Act repealed), as amended by sections twelve and thirteen of the Protection of Life and Property in certain Parts of Ireland Act, 1871, and as continued by the Peace Preservation (Ireland) Acts Continuance Act, 1873, shall be read and construed subject to the modifications herein-after contained, and, subject to such modifications, the same and the said amending sections twelve and thirteen of the Protection of Life and Property in certain Parts of Ireland Act, 1871, shall continue in operation until the first day of June one thousand eight hundred and eighty.

Extension of licence to have arms.

Where any licence to have arms within a dwelling-house in any proclaimed district has been or shall be granted, it shall be lawful for the person authorised to grant such licences in such proclaimed district, if he shall think fit, by endorsement upon such licence to authorise the person to whom such licence has been or shall be granted, to have and carry arms while upon any lands occupied by him or upon any other lands or places within such proclaimed district, and which shall be specified in such endorsement. The person appointed to grant licences to have or carry arms in any district shall be bound to grant to any occupier of one or more agricultural holdings a licence to have arms or to have and carry arms upon any specified lands, or a licence to have and carry arms generally, who shall produce to him a certificate, signed by two justices of the peace for the county residing within the same petty sessions district as the person producing such certificate, that he is a fit and proper person to have such licence respectively, and every such certificate shall be in the form in the Schedule (D.) to this Act annexed. Any person having and carrying arms, or having arms in accordance with any such endorsement upon a licence as aforesaid, or in accordance with any licence granted in pursuance of any such certificate as aforesaid, shall be deemed to have a licence for such purposes respectively within the meaning of the Act of the eleventh year of the reign of Her present Majesty, chapter two. Every person appointed to grant licences under this Act shall keep a list of the names and residences of all persons applying for such licences, and shall on the first day of every year deposit with the clerk of the peace of the county a copy of such list, adding thereto to the name of each applicant a statement showing whether the licence has been granted or refused, specifying also the nature of the licence

applied for, and the nature of the licence, if any, granted, which list shall be kept by the clerk of the peace among the records of the county.

Powers of persons acting under warrant to seize arms.

It shall be lawful to and for any person to whom any warrant to search for and seize arms in any proclaimed district is directed, and to and for all constables and other persons acting in their aid or assistance, within the space of twenty-one days next after the date of any such warrant, including the day of the date thereof, to enter into any house or place at any time between sunrise and sunset, in order to execute such warrant, and in case admittance shall be refused to any such constables or other persons as aforesaid, or shall not be obtained by them within a reasonable time after it shall have been first demanded, then to enter by force into such house or place in order to execute such warrant: Provided always, that such warrant shall not be executed except in the presence and under the direction of some person to whom such warrant is directed by name, and who is specially named therein.

Punishment for carrying and having arms contrary to law reduced.

The punishment to which persons are liable, on conviction, for carrying or having arms contrary to any of the enactments specified in the Schedule (B.) to this Act annexed, as amended by this Act, shall henceforth be reduced to imprisonment for any period not exceeding one year.

Summary proceedings in certain cases.

When any person is charged in any proclaimed district before any justices of the peace assembled at petty sessions with any offence contrary to any of the enactments specified in the Schedule (B.) to this Act annexed, as amended by this Act, it shall be lawful for such justices, if they so think fit, and if the person so charged shall himself desire it, to hear and determine the charge in a summary way, and if the person charged shall confess the same, or if such justices, after hearing the whole case for the prosecution and for the defence, shall find the charge to be proved, then it shall be lawful for such justices to convict the person charged, and commit him to gaol, there to be imprisoned for any period not exceeding three calendar months; and if they find the offence not proved, they shall dismiss the charge, and make out and deliver to the person charged a certificate under their hands, stating the fact of such dismissal; and every such conviction and certificate respectively may be in the forms 1 and 2 in the Schedule (C.) to this Act annexed, or to the like effect: Provided that if such justices are of opinion that the charge, from any circumstances, should be made the subject of prosecution by indictment, rather than be disposed of summarily, such justices shall, instead of summarily adjudicating thereon, deal with the case in all respects as if this enactment with respect to summary proceedings had not been passed. If upon the hearing of

the charge such justices shall be of opinion that there are circumstances in the case which render it inexpedient to inflict any punishment, they shall have power to dismiss the person charged, without proceeding to a conviction.

Every person who obtains a certificate of dismissal or is convicted under this Act shall be released from all further or other criminal proceedings for the same cause.

In every case of summary proceeding under this Act the person accused shall be allowed to make his full answer and defence, and to have all witnesses examined and cross-examined by counsel or attorney.

Any person who is under this Act summarily convicted and sentenced to a term of imprisonment exceeding one month may appeal against such conviction. Every such appeal shall be brought in the manner and shall be subject to the provisions prescribed by and contained in section twenty-four of The Petty Sessions (Ireland) Act, 1851, with respect to appeals in the cases therein mentioned.

Amendment of section 39 of Peace Preservation (Ireland) Act, 1870, as to grand jury presentments for compensation.

No presentment shall be made under the authority of section thirty-nine of the Peace Preservation (Ireland) Act, 1870, as amended by sections twelve and thirteen of the Protection of Life and Property in certain Parts of Ireland Act, 1871, unless the grand jury making the same shall be of opinion that material evidence concerning the murder, maiming, or injury in respect of which such presentment is made is withheld by any person resident within the district proposed to be charged with the sum thereby presented; and where any such presentment shall be made under the authority aforesaid there shall be set forth in such presentment the valuation of the district proposed to be charged with the sum thereby presented, the number of yearly or half-yearly instalments (if any) by which the same is to be raised or levied, the poundage rate necessary for raising or levying the same, and the grounds upon which the same has been charged upon such district; and the going judge of assize before whom the same shall be brought for affirmation shall, before affirming the same, carefully consider the propriety of such presentment, having regard to such valuation, the number of such yearly or half-yearly instalments, the poundage rate, and the grounds upon which the same has been so charged, and he may vary or alter or disallow the same as he shall think just, and shall have all and the same powers with respect thereto as are by the said section thirty-nine amended as aforesaid conferred upon him with respect to appeals.

Continuance of 2 & 3 Vict. c. 74. as amended by

4. The Act passed in the session of Parliament held in the second and third years of the reign of Her present Majesty, intituled "An Act to extend and render more effectual for

11 & 12 Vict. c. 89.

"five years an Act passed in the fourth year of His late "Majesty George the Fourth, to amend an Act passed in "the fiftieth year of His Majesty George the Third, for pre-"venting the administering and taking of unlawful oaths in "Ireland," as amended by the Act passed in the session of Parliament held in the eleventh and twelfth years of the reign of Her present Majesty, chapter eighty-nine, shall continue in operation until the first day of June one thousand eight hundred and eighty; but the provisions of the said Acts shall not extend to any society now established, or hereafter to be established, under the statutes regulating friendly societies, or to any meeting of the members or officers thereof, in which society, or at which meeting, no business whatever is transacted other than that which directly and immediately relates to the objects of the society as declared in the rules thereof, and set forth in the certified copy thereof; provided that the trustees or other officers of the society, when required under the hands of two of Her Majesty's justices of the peace, shall give full information to such justices of the nature, objects, proceedings, and practices of such society, and in default thereof the provisions of the said Acts shall be in force in respect of such society: Provided always, that all Freemasons or Friendly Brothers who have by reason of inadvertence or neglect not heretofore complied with the directions contained in the second section of the said Act of the second and third Victoria, chapter seventy-four, shall be and they are hereby indemnified, freed, and discharged from all penalties incurred by reason of any such inadvertence or neglect. And inasmuch as certain associations of Freemasons exist which, according to the rules and usage of the said society, are not denominated lodges, but are designated councils, chapters, colleges, priories, preceptories, or otherwise, it is hereby enacted that any person making any such certificate upon oath as in the second section of the said Act of the second and third Victoria, chapter seventy-four, mentioned, shall be at liberty to designate in such certificate the society, the holding whereof shall be therein certified by the name or designation by which it is usually distinguished according to the usage of the said Society of Freemasons: Provided also, that if any such certificate shall be duly registered within one year after the passing of this Act, it shall not be necessary in any succeeding year to register with the clerk of the peace the name or denomination of any branch of the said Society of Freemasons, or the usual place or places or the time or times of its meetings, or the names or descriptions of the members thereof, anything in the said Act of the second and third Victoria, chapter seventy-four, to the contrary notwithstanding.

No restriction to be placed on

5. Whereas by the eighth section of "The Protection of Life and Property in certain Parts of Ireland Act, 1871," it is,

amongst other things, enacted and provided that no writ of habeas corpus shall issue to bring up the body of any person arrested or committed or detained as in such section mentioned, and it is expedient that any restriction imposed by such provision should not be continued; be it enacted, that from and after the passing of this Act the said section shall be read and construed as if the herein-before recited provision relative to the issuing of a writ of habeas corpus had not been continued or inserted therein.

Issue of writs of habeas corpus.

6. Sections one to nine, both inclusive, and the schedules of the Protection of Life and Property in certain Parts of Ireland Act, 1871, as continued by the Peace Preservation (Ireland) Acts Continuance Act, 1873, shall continue in operation until the first day of June one thousand eight hundred and seventy-seven.

Certain parts of 34 Vict. c. 25. as continued by 36 & 37 Vict. c. 24. to continue until 1877.

SCHEDULES.

SCHEDULE (A.)

Parts of Peace Preservation (Ireland) Act, 1870, repealed by foregoing Act:

Sections eight, ten, eighteen to thirty-seven, both inclusive.

Forms III., IV., V., VI., VIII., IX., X., in Schedule A. and Schedule C.

SCHEDULE (B.)

Principal Act (11 & 12 Vict. c. 2.) ss. 9 and 12; Peace Preservation (Ireland) Act, 1870, sec. 6.

SCHEDULE (C.)

FORM (I.)

Conviction.

to wit. } BE it remembered, that on the day of in the year of our Lord , at in the said [county], *A.B.*, being charged before us the undersigned of Her Majesty's justices of the peace for the said [county], is convicted before us, for that [he the said *A.B.*, *&c.*, *stating the offence, and the time and place when and where committed*]; and we adjudge the said *A.B.* for his said offence to be imprisoned in the [gaol] at in the said [county] for the space of

Given under our hands and seals, the day and year first above mentioned, at in the [county] aforesaid.

J.S. (L.S.)
H.M. (L.S.)

FORM (II.)

Certificate of Dismissal.

to wit. } WE of Her Majesty's justices of the peace for the [county] of certify, That on the day of in the year of our Lord at in the said [county] *A.B.* being charged before us, for that [he the said *A.B., stating the offence charged, and the time and place when and where alleged to be committed*], we did, having summarily adjudicated thereon, dismiss the said charge.

Given under our hands and seals, this day of at in the [county] aforesaid.

J.S. (L.S.)
H.M. (L.S.)

SCHEDULE (D.)

FORM OF CERTIFICATE FOR ARMS LICENCE.

County of

Petty sessions district of

WE, the undersigned justices of the peace for the above-mentioned county, residing within the above-mentioned petty sessions district, do hereby certify that *A.B.* of [*here insert name, description, and place of residence*] within the said petty sessions district of , is a fit and proper person to have a licence to have [*or, as the case may be,* to have and carry] arms [*here insert conditions and extent of licence*].

Dated this day of 18 .

Signed *C.D.*
E.F.
Justices of the peace for the said county of , residing within the said petty sessions district of

CHAPTER 15.

An Act to amend the Sea Fisheries Act, 1868.

[28th May 1875.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Oyster fishery companies under control of Inspectors of Fisheries to be subject to Board of Trade.

1. Any oyster fishery company which by any local and personal Act passed since the year 1863 is in any manner made subject to the control of the Inspectors of Fisheries for the time being under "The Salmon Fishery Act, 1861," shall from and after the passing of this Act be deemed to have obtained an order under Part III. of the Sea Fisheries Act, 1868, and

shall in all respects be subject to and under the control of the Board of Trade, and shall, as regards such control, be in the same position as if such company had been original grantees under an order made by the Board of Trade under the said Act, and duly confirmed by Parliament; and all powers vested in such inspectors with respect to any such company shall cease.

Any provision contained in any such local and personal Act which is at variance with any provision of the Sea Fisheries Act, 1868, relating to the control or powers of the Board of Trade, is hereby repealed.

2. In making the inquiries and examination mentioned in the forty-fifth section of the Sea Fisheries Act, 1868, the Board of Trade, and any inspector appointed by them, shall have and may exercise the same powers as are by the thirty-second section of the same Act conferred on an inspector appointed by the said Board in pursuance of that section. Powers of Board of Trade in making inquiries.

3. Nothing in the Sea Fisheries Act, 1868, or in the schedule thereto shall be deemed to repeal or alter any of the regulations for preventing collisions at sea, contained in the schedule to the Merchant Shipping Act Amendment Act, 1862, or to take away or diminish the power to annul or modify any of the said regulations, and to make new regulations in addition thereto or in substitution therefor, which by the said last-mentioned Act is given to Her Majesty in Council. Saving.

4. This Act may be cited as "The Sea Fisheries Act, 1875." Short title.

CHAPTER 16.

An Act to amend the Law relating to Regimental Exchanges. [28th May 1875.]

WHEREAS it is expedient to amend the law relating to exchanges by officers in Her Majesty's Regular Forces from one regiment or corps to another regiment or corps:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited for all purposes as "The Regimental Exchange Act, 1875." Short title Act.

2. Her Majesty may, from time to time, by regulation authorise exchanges to be made by officers in Her Majesty's Regular Forces from one regiment or corps to another regiment or corps, on such conditions as to Her Majesty may for the time being seem expedient; and nothing contained in the Army Brokerage Acts shall extend to any exchanges Authorised exchanges exempted from Army Brokerage Acts.

made in manner authorised by any regulation of Her Majesty for the time being in force.

Definition of Army Brokerage Acts.

3. The expression "The Army Brokerage Acts" means the Acts following:

The Act of the session of the fifth and sixth years of the reign of King Edward the Sixth, chapter sixteen, intituled "An Act against buying and selling of Offices;" and

The Act of the forty-ninth year of King George the Third, chapter one hundred and twenty-six, intituled "An Act for "the further prevention of the Sale and Brokerage of Offices."

CHAPTER 17.

An Act to amend the Law with respect to manufacturing, keeping, selling, carrying, and importing Gunpowder, Nitro-glycerine, and other explosive substances. [14th June 1875.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

Short title.

1. This Act may be cited as the Explosives Act, 1875.

Commencement of Act.

2. This Act shall come into operation on the first day of January one thousand eight hundred and seventy-six, in this Act referred to as the commencement of this Act; but any Order in Council, order, general rules, and byelaws, and any appointment to an office, may be made under this Act at any time after the passing thereof, but shall not take effect until the commencement of this Act.

Substances to which this Act applies.

3. This Act shall apply to gunpowder and other explosives as defined by this section.

The term "explosive" in this Act—

(1.) Means gunpowder, nitro-glycerine, dynamite, gun-cotton, blasting powders, fulminate of mercury or of other metals, coloured fires, and every other substance, whether similar to those above mentioned or not, used or manufactured with a view to produce a practical effect by explosion or a pyrotechnic effect; and

(2.) Includes fog-signals, fireworks, fuzes, rockets, percussion caps, detonators, cartridges, ammunition of all descriptions, and every adaptation or preparation of an explosive as above defined.

PART I.

LAW RELATING TO GUNPOWDER.

General Law as to Manufacture and Keeping of Gunpowder.

4. The manufacture of gunpowder shall not, nor shall any process of such manufacture, be carried on except at a factory for gunpowder either lawfully existing or licensed for the same under this Act.

Gunpowder to be manufactured only at factory lawfully existing or licensed under this Act.

Provided that nothing in this section shall apply to the making of a small quantity of gunpowder for the purpose of chemical experiment and not for practical use or for sale.

If any person manufactures gunpowder or carries on any process of such manufacture at any place at which he is not allowed by this section so to do, he shall be deemed to manufacture gunpowder at an unauthorised place.

Where gunpowder is manufactured at an unauthorised place—

1. All or any part of the gunpowder or the ingredients of gunpowder which may be found either in or about such place or in the possession or under the control of any person convicted under this section, may be forfeited; and
2. The person so manufacturing shall be liable to a penalty not exceeding one hundred pounds a day for every day during which he so manufactures.

5. Gunpowder shall not be kept at any place except as follows; that is to say,

Gunpowder (except for private use) to be kept only in existing or new magazine or store, or in registered premises.

(1.) Except in the factory (either lawfully existing or licensed for the same under this Act) in which it is manufactured; or

(2.) Except in a magazine or store for gunpowder either lawfully existing or licensed under this Act for keeping gunpowder; or

(3.) Except in premises registered under this Act for keeping gunpowder.

Provided that this section shall not apply—

(1.) To a person keeping for his private use and not for sale gunpowder to an amount not exceeding on the same premises thirty pounds; or

(2.) To the keeping of any gunpowder by a carrier or other person for the purpose of conveyance, when the same is being conveyed or kept in accordance with the provisions of this Act with respect to the conveyance of gunpowder.

Any gunpowder kept in any place other than as above in this section mentioned shall be deemed to be kept in an unauthorised place.

Where any gunpowder is kept in an unauthorised place—

(1.) All or any part of the gunpowder found in such place may be forfeited; and

(2.) The occupier of such place, and also the owner of, or other person guilty of keeping the gunpowder, shall each be liable to a penalty not exceeding two shillings for every pound of gunpowder so kept.

Licensing of Factories and Magazines for Gunpowder.

Application for license for new factory or magazine.

6. A new factory or magazine for gunpowder shall not be established except on the site and in the manner specified in a license for the same granted under this Act.

An applicant for such a license shall submit to the Secretary of State the draft of a license accompanied by a plan (drawn to scale) of the proposed factory or magazine, and the site thereof (which plan shall be deemed to form part of and to be in this Act included in the expression "the license").

The draft license shall contain the terms which the applicant proposes to have inserted in the license, and shall specify such of the following matters as are applicable; namely,

(*a.*) The boundaries of the land forming the site of the factory or magazine and either any belt of land surrounding the site which is to be kept clear, and the buildings and works from which it is to be kept clear, or the distances to be maintained between the factory or magazine, or any part thereof, and other buildings and works; and

(*b.*) The situation, character, and construction of all the mounds, buildings, and works on or connected with the factory or magazine, and the distances thereof from each other; and

(*c.*) The nature of the processes to be carried on in the factory and in each part thereof, and the place at which each process of the manufacture, and each description of work connected with the factory or magazine, is to be carried on, and the places in the factory or magazine at which gunpowder and any ingredients of gunpowder, and any articles liable to spontaneous ignition, or inflammable or otherwise dangerous, are to be kept; and

(*d.*) The amount of gunpowder and of ingredients thereof wholly or partly mixed to be allowed at the same time in any building or machine or any process of the manufacture or within a limited distance from such building or machine, having regard to the situation and construction of such building, and to the distance thereof from any other building or any works; and

(*e.*) The situation, in the case of a factory, of each factory magazine, and in the case of another magazine, of

each building forming part of such magazine in which gunpowder is to be kept, and the maximum amount of gunpowder to be kept in each factory magazine, and in each such building as aforesaid; and

(*f.*) The maximum number of persons to be employed in each building in the factory; and

(*g.*) Any special terms which the applicant may propose by reason of any special circumstances arising from the locality, the situation or construction of any buildings or works, or the nature of any process, or otherwise.

The Secretary of State, after examination of the proposal, may reject the application altogether or may approve of the draft license, with or without modification or addition, and grant to the applicant permission to apply to the local authority for their assent to the establishment of the factory or magazine on the proposed site.

Application for assent of local authority to site of new factory or magazine.

7. The local authority, upon application being made for their assent to the establishment of a new factory or magazine on the proposed site, shall cause notice to be published by the applicant in manner directed by this Act of the application and of the time and place at which they will be prepared to hear the applicant, and any persons objecting to such establishment who have not less than seven clear days before the day of hearing sent to the clerk of the local authority and to the applicant notice of their intention to appear and object, with their name, address, and calling, and a short statement of the grounds of their objection.

Upon the hearing of the application, or any adjournment thereof, the local authority may dissent altogether from the establishment of such new factory or magazine on the proposed site, or assent thereto, either absolutely or on any conditions requiring additional restrictions or precautions.

Where the site of the proposed factory or magazine is situate within or within one mile of the limits of the jurisdiction of any urban sanitary authority, or of any harbour authority, the applicant shall serve on such authority, if they are not the local authority, notice of the application, and of the time and place of hearing fixed by the local authority.

The said notices shall be published and served by the applicant not less than one month before the hearing.

The local authority shall fix the time and place of hearing as soon as practicable after application made to them, and the time so fixed shall be as soon as practicable after the expiration of the said month from the publication and service of the notices by the applicant, and their final decision shall be given as soon as practicable after the expiration of the said month.

The place so fixed shall be situate within the jurisdiction of the local authority, or within a convenient distance of the limits of that jurisdiction.

The costs of any objections which the local authority may deem to be frivolous shall be ascertained by an order made by the local authority, and shall be a debt due from the objector to the applicant, of which such order shall be conclusive evidence.

Where the site of the proposed factory or magazine is situate partly within the jurisdiction of one local authority and partly within the jurisdiction of another, the assent of both local authorities shall be applied for in manner provided by this Act.

Grant and confirmation of license.

8. If on the hearing of the application for the establishment of a factory or magazine the local authority assent thereto either absolutely or on conditions submitted to by the applicant, the applicant shall be entitled to the license applied for in accordance with the draft approved by the Secretary of State, with the addition (if the assent was on conditions) of the additional restrictions and precautions required by those conditions.

If the local authority assent on any conditions not submitted to by the applicant, or dissent, the applicant may appeal to the Secretary of State, giving notice of such appeal to the local authority, and requiring them to state in writing their reasons for such conditions or dissent; and the Secretary of State, after considering the reasons (if any) so stated, and after such inquiry, local or other, as he may think necessary, may if the local authority dissented, refuse the license, or may in either case grant the license applied for in accordance with the draft license either as previously approved by him, or with such modifications and additions as he may consider required to meet the reasons (if any) so stated by the local authority.

The Secretary of State, when satisfied that the factory or magazine is sufficiently completed according to the license to justify the use thereof, shall confirm the license, but until so confirmed the license shall not come into force.

The land forming the site bounded as described in the license shall, with every mound, building, and work thereon for whatever purpose, be deemed, for the purposes of this Act, to be the factory or magazine referred to in the license.

Regulation of Factories and Magazines for Gunpowder.

Regulation of factories and magazines for gunpowder.

9. In every gunpowder factory and magazine—

(1.) The factory or magazine, or any part thereof, shall not be used for any purpose not in accordance with the license; and

(2.) The terms of the license shall be duly observed, and the manufacture or keeping or any process in or work connected with the manufacture or keeping of

gunpowder shall not be carried on except in accordance with those terms; and

(3.) The factory or magazine and every part thereof shall be maintained in accordance with the license; and any material alteration in the factory or magazine by enlarging or adding to the site, or by externally enlarging or adding to any building, or by altering any mound otherwise than by enlargement, or by making any new work, shall not be made except in pursuance of an amending license granted under this Act.

In the event of any breach (by any act or default) of this section in any factory or magazine,

(*a.*) All or any part of the gunpowder or ingredients thereof in respect to which, or being in any building or machine in respect to which, the offence was committed, may be forfeited; and

(*b.*) The occupier shall be liable to a penalty not exceeding in the case of the first offence fifty pounds, and in the case of a second or any subsequent offence one hundred pounds, and in addition fifty pounds for every day during which such breach continues.

The occupier of a factory shall not be deemed guilty of a breach of this section for using in a case of emergency, or temporarily, one building or part of a building in which any process of the manufacture is, under the terms of the license, carried on, for another process of the manufacture, if he do not carry on in such building or part more than one process at the same time, and if the quantity of gunpowder or ingredients thereof in such building or part do not exceed the quantity allowed to be therein, or any less quantity allowed to be in the building or part of a building in which such other process is usually carried on; and if upon such use being continued after the lapse of twenty-eight days from the first beginning of such use he send notice of such use to a Government inspector, and the Government inspector do not require the discontinuance of such use.

General rules for factories and magazines.

10. In every gunpowder factory and magazine the following general rules shall be observed:

(1.) In a factory every factory magazine, and in any other magazine every building in which gunpowder is kept, shall be used only for the keeping of gunpowder, and receptacles for or tools or implements for work connected with the keeping of such gunpowder; and

(2.) The interior of every building in which any process of the manufacture is carried on or in which gunpowder or any ingredients thereof, either mixed or partially mixed, are kept, or in the course of manufacture are liable to be (in this Act referred to as a danger

building), and the benches, shelves, and fittings in such building (other than machinery), shall be so constructed or so lined or covered as to prevent the exposure of any iron or steel in such manner, and the detaching of any grit, iron, steel, or similar substance in such manner, as to come into contact with the gunpowder or ingredients thereof in such building, and such interior, benches, shelves, and fittings shall, so far as is reasonably practicable, be kept free from grit and otherwise clean; and

(3.) Every factory magazine and expense magazine in a factory, and every danger building in a magazine, shall have attached thereto a sufficient lightning conductor, unless, by reason of the construction by excavation or the position of such magazine or building, or otherwise, the Secretary of State considers a conductor unnecessary, and every danger building in a factory shall, if so required by the Secretary of State, have attached thereto a sufficient lightning conductor; and

(4.) Charcoal, whether ground or otherwise, and oiled cotton, oiled rags, and oiled waste, and any articles whatever liable to spontaneous ignition, shall not be taken into any danger building, except for the purpose of immediate supply and work or immediate use in such building, and upon the cessation of such work or use shall be forthwith removed; and

(5.) Before repairs are done to or in any room in or other part of a danger building, that room or part shall, so far as practicable, be cleaned by the removal of all gunpowder, and wholly or partly mixed ingredients thereof, and the thorough washing out of such room or part; and such room or part of the building after being so cleaned shall not be deemed to be a danger building within the meaning of these rules until gunpowder or the wholly or partly mixed ingredients thereof are again taken into it; and

(6.) There shall be constantly kept affixed in every danger building, either outside or inside, in such manner as to be easily read, a statement of the quantities of gunpowder or ingredients allowed to be in the building, and a copy of these rules, and of any other part of this Act required by the Secretary of State to be affixed, and of such part of the license and special rules made under this Act as apply to the building; and with the addition in a factory of the name of the building, or words indicating the purpose for which it is used; and

(7.) All tools and implements used in any repairs to or in a danger building shall be made only of wood or copper

or brass or some soft metal or material, or shall be covered with some safe and suitable material; and

(8.) Due provision shall be made, by the use of suitable working clothes without pockets, suitable shoes, searching, and otherwise, or by some of such means, for preventing the introduction into any danger building of fire, lucifer matches, or any substance or article likely to cause explosion or fire, and for preventing the introduction of any iron, steel, or grit into any part of a danger building where it would be likely to come into contact with gunpowder or the wholly or partly mixed ingredients thereof; but this rule shall not prevent the introduction of an artificial light of such construction, position, or character as not to cause any danger of fire or explosion; and

(9.) No person shall smoke in any part of the factory or magazine, except in such part (if any) as may be allowed by the special rules; and

(10.) Any carriage, boat, or other receptacle in which gunpowder, or the wholly or partly mixed ingredients thereof, are conveyed from one building to another in a factory or magazine, or from any such building to any place outside of such factory or magazine, shall be constructed without any exposed iron or steel in the interior thereof, and shall contain only the gunpowder and ingredients, and shall be closed or otherwise properly covered over; and the gunpowder and ingredients shall be so conveyed with all due diligence, and with such precautions and in such manner as will sufficiently guard against any accidental ignition; and

(11.) A person under the age of sixteen years shall not be employed in or enter any danger building, except in the presence and under the supervision of some grown-up person; and

(12.) In a factory the ingredients in course of manufacture into gunpowder shall be removed with all due diligence from each working building so soon as the process connected with those ingredients which is carried on in such building is completed, and all finished gunpowder shall with all due diligence either be removed to a factory magazine, or sent away immediately from the factory, and such ingredients and gunpowder shall be loaded and unloaded with all due diligence; and

(13.) In a factory all ingredients to be made or mixed into gunpowder shall, before being so made or mixed, be carefully sifted, for the purpose of removing there-

from, so far as practicable, all dangerous foreign matter.

The Secretary of State may, from time to time, by order, make, and when made rescind and alter, such modifications in the foregoing general rules as may appear to him to be necessary for adapting the same to floating magazines, and such modifications shall have effect as if they were contained in this section.

In the event of any breach (by any act or default) of the general rules in any factory or magazine,—

(*a.*) All or any part of the gunpowder or ingredients thereof in respect to which, or being in any building or machine in respect to which, the offence was committed, may be forfeited; and

(*b.*) The occupier shall be liable to a penalty not exceeding ten pounds, and in addition (in the case of a second offence) ten pounds for every day during which such breach continues.

Special rules for regulation of workmen in factory or magazine.

11. Every occupier of a gunpowder factory or magazine shall, with the sanction of the Secretary of State, make special rules for the regulation of the persons managing or employed in or about such factory or magazine, with a view to secure the observance of this Act therein, and the safety and proper discipline of the said persons and the safety of the public.

There may be annexed to any breach of special rules made in pursuance of this section such penalties, not exceeding forty shillings for each offence, as may be deemed just.

The occupier may, and if required by the Secretary of State shall, with the sanction of the Secretary of State, repeal, alter, or add to any special rules made in pursuance of this section.

If an occupier is required by the Secretary of State to make, repeal, alter, or add to any rules under this section, and fail within three months after such requisition to comply therewith to the satisfaction of the Secretary of State, the Secretary of State may make, repeal, alter, or add to the special rules, and anything so done by the Secretary of State shall have effect as if done by the occupier with the sanction of the Secretary of State.

If the occupier feel aggrieved by any such requisition, or by anything so done by the Secretary of State, he may, after receiving such requisition or notice of the same being so done, require the matter to be referred to arbitration in manner provided by this Act.

Supplemental as to Factories and Magazines for Gunpowder.

Alteration of terms of license and enlargement of factory or magazine.

12. Where the occupier of any gunpowder factory or magazine desires that any alteration should be made in the terms of his license, or any material alteration made in the factory or magazine by enlarging or adding to the site or by ex-

ternally enlarging or adding to any building, or by altering any mound otherwise than by enlargement, or by making any new work, he may apply for an amending license.

If he satisfy the Secretary of State that the alteration may be properly permitted, having regard to the safety of the persons employed in the factory or magazine, and will not materially either increase the danger to the public from fire or explosion, or diminish the distance of any danger building in the factory or magazine from any building or work outside and in the neighbourhood of the factory or magazine, or increase the amount of gunpowder allowed to be kept in the factory magazine, or in any building in the magazine, the Secretary of State may grant the amending license of his own authority, but, save as aforesaid, the provisions of this Act with respect to the application for and grant of a new license shall apply to such amending license.

Devolution and determination of license.

13. A gunpowder factory or magazine license shall not be avoided by any change in the occupier of the factory or magazine; but notice of the name, address, and calling of the new occupier shall be sent to the Secretary of State within three months after the change, and in default such new occupier shall be liable to a penalty not exceeding twenty shillings for every week during which such default continues.

A factory or magazine license shall be determined by a discontinuance of the business carried on in pursuance of any such license if such discontinuance continues for a period of two years or more, or if the factory or magazine is used for any purpose not authorised by the license:

Provided that if the occupier sends to the Secretary of State, and publishes in manner directed by the Secretary of State, a notice to the effect that the right to the factory or magazine license is not intended to be surrendered, the license shall not be determined until after the expiration of five years after the first discontinuance of the business, whether the factory or magazine has or has not been used for any purpose not authorised by the license.

Application of Act to existing Factories and Magazines for Gunpowder.

Continuing certificate for existing factories and magazines.

14. A factory or magazine for gunpowder used at the time of the passing of this Act shall not be deemed to be a lawfully existing factory or magazine within the meaning of this Act unless the occupier thereof apply for and obtain in manner provided by this Act a certificate (in this Act referred to as a continuing certificate) in respect of such factory or magazine.

The occupier desirous of obtaining such certificate shall, before the expiration of three months after the commencement of this Act, send to the Secretary of State an application for such certificate, stating his name, address, and calling, and the situation of his factory or magazine, and accompanied with

such particulars respecting the factory or magazine and the site thereof, and the mounds, buildings, and works thereon or connected therewith, and such copies of any plans in the possession of the occupier, as the Secretary of State may deem necessary for enabling him to make out the certificate.

The Secretary of State upon receiving such application shall grant the continuing certificate for the factory or magazine to which the application relates, and shall insert therein, by reference to a plan (which shall be deemed part of the certificate) or otherwise, such particulars as he may consider sufficient to identify the factory or magazine and indicate the site and all the existing mounds, buildings, and works thereon or connected therewith: the plan so referred to may be either the plan sent by the occupier or such other plan as the Secretary of State may cause to be made for the purpose.

The continuing certificate shall specify the maximum amount of gunpowder to be kept if the certificate is for a factory in each factory magazine, or in all the factory magazines of the factory, and if for a magazine in each building in the magazine, or in all the buildings of the magazine, and the amount so specified, where the maximum amount so to be kept is at the passing of this Act limited by any Act or by license or otherwise, shall be that amount, and where there is no such limitation, shall be the maximum amount which the factory magazine, or all the factory magazines of the factory, or the building or all the buildings of the magazine, was or were capable of holding on the first day of January one thousand eight hundred and seventy-five.

The regulations in Part One of the first schedule to this Act shall be deemed to form part of the terms of a continuing certificate for a factory.

The land forming the site bounded as described in the certificate shall, with every mound, building, and work thereon, for whatever purpose, be deemed, for the purpose of this Act, to be the factory or magazine referred to in the certificate.

Where a license has been obtained before the twenty-fifth day of February one thousand eight hundred and seventy-five, for a factory or magazine for gunpowder, and such factory or magazine has not been completed before the passing of this Act, such factory or magazine shall be deemed to be, for the purposes of this section, a factory or magazine for gunpowder used at the time of the passing of this Act:

Provided that—

(1.) The particulars to be stated in the continuing certificate shall, as regards such mounds, buildings, and works as are not completed at the date of the certificate, relate to the same as designed on the commencement of the construction of the factory or magazine; and

(2.) The maximum amount of gunpowder to be specified in the continuing certificate as being allowed to be kept in any building shall, subject to the provisions of any Act or license, be the maximum amount which such building was designed on the commencement of the building thereof to hold, or such less amount as it is completed for holding at the time of the passing of this Act.

For the purposes of this Act, a continuing certificate shall (save as otherwise expressly provided) be deemed to be a license, and the factory or magazine, as the case may be, mentioned therein to be a factory or magazine licensed under this Act, and the provisions of this Act shall be construed accordingly.

Provided that—

(1.) It shall not be necessary in any case to apply for the assent of the local authority to an amending license for an alteration in the terms of such certificate, or for an alteration in the factory or magazine; and

(2.) Such factory or magazine, if the certificate is determined by the discontinuance of the business carried on therein, shall cease to be deemed an existing factory or magazine.

The occupier of any lawfully existing factory or magazine may, until the expiration of the time within which he is required by this section to send to the Secretary of State an application for a continuing certificate, and if he has sent such an application as is required by this section may, until he obtains such certificate, carry on his business in such factory or magazine in like manner as if this Act had not passed.

Consumers Stores for Gunpowder.

Licensing and Regulation of Stores.

Store license to be obtained from local authority.

15. Any person may apply for a license for a gunpowder store to the local authority at the time and place appointed by such authority, stating his name, address, and calling, the proposed site and construction of the store and the amount of gunpowder he proposes to store therein; and the local authority shall, as soon as practicable, if the proposed site, construction of the store, and amount of gunpowder are in accordance with the Order in Council herein-after mentioned, grant to the applicant, on payment of such fee, not exceeding five shillings, as may be fixed by that authority, the license applied for.

Order in Council prescribing situation and construction of stores.

16. Her Majesty may from time to time, by Order in Council made on the recommendation of the Secretary of State—

(1.) Regulate the construction and materials and fittings of gunpowder stores; and

(2.) Prescribe the buildings and works from which gunpowder stores are to be separated, and the distances by which they are to be separated; and

(3.) Prescribe the maximum amount of gunpowder, not exceeding two tons, to be kept in stores, graduated according to their construction and situation and their distance from the said buildings and works.

Provided that an Order under this section shall not require the removal of any building lawfully in use at the date of the making of such Order.

General rules for stores.

17. In every gunpowder store the following general rules shall be observed; that is to say,

(1.) The provisions of an Order in Council relating to stores, so far as they apply to such store, shall be duly observed:

(2.) There shall not be at the same time in the store an amount of gunpowder exceeding the amount specified in the license; and

(3.) The store shall be used only for the keeping of gunpowder, and receptacles for or tools or implements for work connected with the keeping of such gunpowder; and

(4.) The interior of the store, and the benches, shelves, and fittings therein, shall be so constructed or so lined or covered as to prevent the exposure of any iron or steel and the detaching of any grit, iron, steel, or similar substance, in such manner as to come into contact with the gunpowder, and such interior, benches, shelves, and fittings shall, so far as is reasonably practicable, be kept free from grit, and otherwise clean; and

(5.) The store shall have attached thereto a sufficient lightning conductor, unless it is made by excavation or is licensed for less than one thousand pounds of gunpowder; and

(6.) Before repairs are done to or in any part of a store, the store shall, so far as practicable, be cleaned by the removal of all gunpowder and the thorough washing out of the store; and after such cleaning, these rules shall cease to apply to the store until gunpowder is again taken there; and

(7.) Except after such cleaning, all tools and implements used in or in any repairs to the store shall be made only of wood, copper, or brass, or some soft metal or material, or shall be covered with some safe and suitable material; and

(8.) Due provision shall be made, by the use of suitable working clothes without pockets, suitable shoes, searching, and otherwise, or by some of such means, for preventing the introduction into the store of fire, lucifer matches, or any substance or article likely to cause explosion or fire, or any iron, steel, or grit; but

this rule shall not prevent the introduction of an artificial light of such construction, position, or character as not to cause any danger of fire or explosion; and

(9.) No person shall smoke in any part of the store; and

(10.) A person under the age of sixteen years shall not be employed in or enter the store, except in the presence and under the supervision of some grown-up person.

In the event of any breach (by any act or default) of the general rules in any store,—

(*a.*) All or any part of the gunpowder in respect to which or being in the store when the offence was committed may be forfeited; and

(*b.*) The occupier shall be liable to a penalty not exceeding ten pounds, and in addition (in the case of a second offence) ten pounds for every day during which such breach continues.

Non-transferability, renewal, and forms of store licenses.

18. A store license shall be valid only for the person named in it, and shall annually, unless the circumstances have so changed that the grant of a new license would not be authorised by this Act, on application by post or otherwise, and payment of such fee, not exceeding one shilling, as may be from time to time fixed by the local authority, be renewed by that authority, by endorsement or otherwise, for that year, and unless so renewed shall expire.

Store licenses shall be in the form from time to time directed by the Secretary of State.

Special rules for regulation of workmen in stores.

19. Every occupier of a gunpowder store may, with the sanction of the Secretary of State, make, and when made, may, with the like sanction, repeal, alter, or add to, special rules for the regulation of the persons managing or employed in or about such store, with a view to secure the observance of this Act therein, and the safety and proper discipline of the said persons and the safety of the public.

There may be annexed to any breach of special rules made in pursuance of this section such penalties, not exceeding forty shillings for each offence, as may be deemed just.

Application of Act to existing Stores for Gunpowder.

Definition of and continuing certificate for existing stores which are to be subject to this Act.

20. Any magazine established without a license from a local authority in pursuance of the Gunpowder Act, 1860, or of any enactment repealed by that Act, for the use of any mine, quarry, colliery, or factory of safety-fuzes, and in use at the passing of this Act, is in this Act referred to as an existing gunpowder store.

An existing gunpowder store shall not require a continuing certificate as a magazine from the Secretary of State, but shall require a continuing certificate from the local authority, and if such certificate is not applied for and obtained in manner

provided by this Act, shall not be deemed to be a lawfully existing store.

The occupier of the store desirous of obtaining a continuing certificate shall, before the expiration of three months after the commencement of this Act, send an application for such certificate to the local authority, stating his name, address, and calling, and the situation and construction of the store, and accompanied by such particulars respecting the store as may be necessary to enable the local authority to make out the certificate.

The local authority upon receiving such application shall, as soon as practicable, on payment of such fee, not exceeding half-a-crown, as may be fixed by that authority, grant the continuing certificate, inserting therein such particulars as appear to them to be sufficient to identify the store, and inserting the maximum amount of gunpowder which the store is to be limited to hold, and such amount shall be the maximum amount which the store was capable of holding on the first day of January one thousand eight hundred and seventy-five, or such less amount as is limited by the regulations below in this section mentioned.

The regulations in Part Two of the first schedule to this Act shall apply to every store to which a continuing certificate is granted, as if they were contained in an Order in Council under this Act relating to stores.

For the purposes of this Act a continuing certificate for a store shall, save as otherwise expressly provided, be deemed to be a license, and the store a store licensed under this Act, and the provisions of this Act shall be construed accordingly.

Provided that—

(1.) The store shall not be enlarged, or added to, or so altered as to be of a less secure construction, and any breach of this proviso shall be deemed to be a breach of the general rules relating to stores; and

(2.) The continuing certificate shall not be limited in duration, but if the business carried on in the store is discontinued, and either such discontinuance continues for a period of twelve months or more, or the store is used for another purpose, such store shall cease to be deemed an existing gunpowder store.

Nothing in this section shall prevent the obtaining for any existing gunpowder store of a license from the local authority under this Act, as in the case of a new store, and a store for which such license is obtained shall, whether a continuing certificate has or has not been previously obtained for the same, cease to be deemed an existing gunpowder store.

The occupier of an existing gunpowder store may, until the expiration of the time within which he is required by this section to send to the local authority an application for a continuing certificate, and if he has sent such an application as

is required by this section may, until the expiration of six months after the expiration of the said time, or any earlier date at which he obtains such certificate, carry on his business in such store in like manner as if this Act had not passed.

Retail Dealing with Gunpowder.

Registration and Regulation of Registered Premises.

Registration of premises with local authority.

21. A person desirous of registering with the local authority any premises for the keeping of gunpowder shall register his name and calling, and the said premises (in this Act referred to as his registered premises) in such manner and on payment of such fee, not exceeding one shilling, as may be directed by the local authority.

Such registration shall be valid only for the person registered, and shall be annually renewed by sending by post or otherwise notice of such renewal to the local authority, together with such fee, not exceeding one shilling, as may be fixed by that authority.

General rules for registered premises.

22. The following general rules shall be observed with respect to registered premises:

(1.) The gunpowder shall be kept in a house or building, or in a fire-proof safe, such safe, if not within a house or building, to be at a safe distance from any highway, street, public thoroughfare, or public place; and

(2.) The amount of gunpowder on the same registered premises shall not—

(*a.*) If it is kept in a substantially constructed building exclusively appropriated for the purpose and detached from a dwelling-house, or in a fire-proof safe outside a dwelling-house, and detached therefrom, and at a safe distance from any highway, street, public thoroughfare, or public place, exceed two hundred pounds; and

(*b.*) If it is kept inside a dwelling-house, or in any building other than as last aforesaid, exceed fifty pounds, unless it is kept in a fire-proof safe within such house or building, in which case the amount shall not exceed one hundred pounds; and

(3.) An article or substance of an explosive or highly inflammable nature shall not be kept in a fire-proof safe with the gunpowder, and in every case shall be kept at a safe distance from the gunpowder or the safe containing the same; and

(4.) Neither the building exclusively appropriated for the purpose of keeping the gunpowder nor the fire-proof safe shall have any exposed iron or steel in the interior thereof; and

(5.) All gunpowder exceeding one pound in amount shall be kept in a substantial case, bag, canister, or other receptacle made and closed so as to prevent the gunpowder from escaping.

In the event of any breach (by any act or default) of such general rules in any registered premises,—

(*a.*) All or any part of the gunpowder in respect to which, or being in any house, building, place, safe, or receptacle in respect to which, the offence was committed may be forfeited; and

(*b.*) The occupier shall be liable to a penalty not exceeding two shillings for every pound of gunpowder in respect of which or being on the premises in which the offence was committed.

Supplemental Provisions.

Precautions against fire or explosion to be taken by occupier.

23. The occupier of every factory, magazine, store, and registered premises for gunpowder, and every person employed in or about the same, shall take all due precaution for the prevention of accidents by fire or explosion in the same, and for preventing unauthorised persons having access to the factory, magazine, or store, or to the gunpowder therein or in the registered premises, and shall abstain from any act whatever which tends to cause fire or explosion and is not reasonably necessary for the purpose of the work in such factory, magazine, store, or premises.

Any breach (by any act or default) of this section in any factory, magazine, store, or registered premises shall be deemed to be a breach of the general rules applying thereto.

Explanation as to quantities of gunpowder allowed in buildings.

24. Where any provision of this Act limits the quantity of gunpowder or ingredients of gunpowder to be allowed in any building at any one time, all gunpowder and ingredients within the radius of twenty yards from the building and in course either of removal from the building, or of removal to the building for the supply and work thereof, shall be deemed to be in the building:

Provided that, if while the gunpowder or ingredients so in course of removal are within the radius, every machine and manufacturing process in the building is wholly stopped, there may, in addition to the quantity so allowed as aforesaid to be in the building, be within the radius a further quantity of gunpowder and ingredients so in course of removal as aforesaid, not exceeding the quantity specified in that behalf in the license, or in the case of an existing building in a lawfully existing factory for gunpowder ten hundredweight, or any less quantity so allowed as aforesaid to be in the building.

Where any provision of this Act limits the quantity of gunpowder or ingredients of gunpowder to be allowed in any machine at any one time, but does not limit the quantity to

be in the building containing such machine, the foregoing provisions of this section shall apply, so far as circumstances admit, as if such machine were a building.

Where the quantity allowed to be in any building is limited to what is required for the immediate supply and work of such building, or by words not specifying the exact quantity, a Government inspector who considers that the quantity in any such building is in excess, may, after hearing the explanation of the occupier, require the occupier to diminish such quantity to the maximum named in the requisition.

The occupier, if he feel aggrieved by such requisition, may require the matter to be referred to arbitration in manner provided by this Act.

The exact quantity to be allowed in such building shall be determined by the requisition, or if the matter is referred to arbitration, by the award.

Regulations as to arbitration.

25. An occupier authorised by this Act to require any matter to be referred to arbitration may, within one month after receiving the requisition, notice, or document relating to the matter to be so referred, send an objection thereto to the Secretary of State; and if the cause of such objection is not, within one month after such objection is received by the Secretary of State, removed by the Secretary of State waiving or varying the said requisition, notice, document, or matter, or otherwise (which the Secretary of State is hereby authorised to do), such occupier may, by notice sent within seven days after the expiration of the said month to the Secretary of State, require the matter to be referred to arbitration, and the date of the receipt by the Secretary of State of the last-mentioned notice shall be deemed to be the date of the reference.

Arbitrations under this Act shall be conducted in manner provided by the second schedule to this Act.

Fees for licenses.

26. There shall be payable in respect of licenses and continuing certificates granted by the Secretary of State such fees as may be from time to time fixed by him with the consent of the Treasury, not exceeding the fees in the third schedule to this Act, and if no fee is fixed the fees mentioned in the said schedule.

Such fees shall be taken and paid into the receipt of Her Majesty's Exchequer in such manner as the Treasury may from time to time direct, and shall be carried to the Consolidated Fund.

The Secretary of State may also require any applicant for a new license to pay such sum as the Secretary of State may think reasonable for expenses incurred upon any inquiry made by order of the Secretary of State with respect to the grant of such license.

When the local authority do not fix any fee which they are authorised by this Act to fix, the fee payable shall be the maximum fee which such authority are authorised to fix.

The fees payable to the local authority in respect of any license, certificate, or otherwise in pursuance of this Act, shall, where the clerk of the local authority is not wholly paid by fees, be carried to the credit of the local rate, or otherwise disposed of as such local authority may direct, and where such clerk is wholly paid by fees, shall, unless the local authority otherwise direct, be paid to such clerk.

Adjoining places occupied together to be one place.

27. For the purposes of the provisions of this Act with respect to the manufacture and keeping of gunpowder, all buildings and places adjoining each other and occupied together shall be deemed to be the same factory, magazine, store, or premises, and shall accordingly be included in one license or one registration.

Register of store licenses and registered premises to be kept by local authority.

28. The local authority shall cause registers of all store licenses granted by and of all premises registered with them under this Act to be kept in such form and with such particulars as they may direct.

The local authority shall, when so required by the Secretary of State, send to him, within the time fixed by such requisition, a copy of such register or any part thereof, and in default the clerk of such authority, and also the authority if they are in fault, shall be liable to a penalty not exceeding one pound for every day during which such default continues.

A ratepayer within the area of the local authority, and a licensee or person registered under this Act, upon payment of a fee of one shilling, and a Government inspector, and an officer appointed by any local authority for the purposes of this Act, and an officer of police, without payment, shall be entitled at all reasonable times to inspect and take copies of or extracts from any register kept in pursuance of this section; and the clerk of the local authority and every other person who fails to allow such inspection or taking copies of or extracts from the same, or demands any unauthorised fee therefor, shall be liable to a penalty not exceeding one pound for each offence.

Provision in case of death, &c. of occupier of store or registered premises.

29. If the occupier of a store or registered premises dies or becomes bankrupt, or has his affairs liquidated by arrangement, or becomes mentally incapable or otherwise disabled, the person carrying on the business of such occupier shall not be liable to any penalty or forfeiture under this Act for carrying on the business and acting under the license or registration during such reasonable time as may be necessary to allow him to obtain a store license from or to register with the local authority, so that he otherwise conform with the provisions of this Act.

Sale of Gunpowder.

30. Gunpowder shall not be hawked, sold, or exposed for sale upon any highway, street, public thoroughfare, or public place.

Restriction on sale of gunpowder in highways, &c.

If any gunpowder is hawked, sold, or exposed for sale in contravention of this section—

(1.) The person hawking, selling, or exposing for sale the same, shall be liable to a penalty not exceeding forty shillings; and

(2.) All or any part of the gunpowder which is so hawked or exposed for sale, or is found in the possession of any person convicted under this section, may be forfeited.

31. Gunpowder shall not be sold to any child apparently under the age of thirteen years; and any person selling gunpowder in contravention of this section shall be liable to a penalty not exceeding five pounds.

Penalty for sale of gunpowder to children.

32. All gunpowder exceeding one pound in weight, when publicly exposed for sale or sold, shall be in a substantial case, bag, canister, or other receptacle made and closed so as to prevent the gunpowder from escaping, and (except when the same is sold to any person employed by or on the property occupied by the vendor for immediate use in the service of the vendor or on such property,) the outermost receptacle containing such gunpowder shall have affixed the word "gunpowder" in conspicuous characters by means of a brand or securely attached label, or other mark.

Sale of gunpowder to be in closed packages labelled.

If any gunpowder is sold or exposed for sale in contravention of this section—

1. The person selling or exposing for sale the same shall be liable to a penalty not exceeding forty shillings; and
2. All or any part of the gunpowder so exposed for sale may be forfeited.

Conveyance of Gunpowder.

33. The following general rules shall be observed with respect to the packing of gunpowder for conveyance:

General rules as to packing of gunpowder for conveyance.

1. The gunpowder, if not exceeding five pounds in amount, shall be contained in a substantial case, bag, canister, or other receptacle, made and closed so as to prevent the gunpowder from escaping; and
2. The gunpowder, if exceeding five pounds in amount, shall be contained either in a single package or a double package. A single package shall be a box, barrel, or case of such strength, construction, and character as may be for the time being approved by the Government inspector as being of such strength, construction, and character that it will not be broken

or accidentally opened, or become defective or insecure whilst being conveyed, and will not allow the gunpowder to escape. If the gunpowder is packed in a double package the inner package shall be a substantial case, bag, canister, or other receptacle made and closed so as to prevent the gunpowder from escaping, and the outer package shall be a box, barrel, or case of wood or metal or other solid material, and shall be of such strength, construction, and character that it will not be broken or accidentally opened, or become defective or insecure whilst being conveyed, and will not allow the gunpowder to escape; and

3. The interior of every package, whether single or double, shall be kept free from grit and otherwise clean; and
4. Every package, whether single or double, when actually used for the package of gunpowder, shall not be used for any other purpose; and
5. There shall not be any iron or steel in the construction of any such single package or inner or outer package, unless the same is effectually covered with tin, zinc, or other material; and
6. The amount of gunpowder in any single package, or if there is a double package in any one outer package, shall not exceed one hundred pounds, except with the consent of and under conditions approved by a Government inspector; and
7. On the outermost package there shall be affixed the word "gunpowder" in conspicuous characters by means of a brand or securely attached label or other mark.

In the event of any breach (by any act or default) of any general rule in this section, the gunpowder in respect of which the breach is committed may be forfeited, and the person guilty of such breach shall be liable to a penalty not exceeding twenty pounds.

The Secretary of State may from time to time make, and when made, repeal, alter, and add to, rules for the purpose of rescinding, altering, or adding to the general rules contained in this section, and the rules so made by the Secretary of State shall have the same effect as if they were enacted in this section.

Byelaws by harbour authority as to conveyance, loading, &c. of gunpowder.

34. Every harbour authority shall, with the sanction of the Board of Trade, make byelaws for regulating the conveyance, loading, and unloading of gunpowder within the jurisdiction of the said authority, and in particular for declaring or regulating all or any of the following matters within the jurisdiction of the said authority; namely,

1. Determining the notice to be given by ships and boats conveying, loading, or unloading gunpowder as merchandise within the said jurisdiction; and

2. Regulating the navigation and place of mooring of such ships and boats; and
3. Regulating, subject to the general rules with respect to packing in this Act contained, the mode of stowing and keeping gunpowder on board any such ship or boat, and of giving notice by brands, labels, or otherwise of the nature of the package containing the gunpowder; and
4. Regulating the description, construction, fitting up, and licensing of the ships, boats, or carriages to be used for the conveyance of gunpowder, and the licensing and dress of the persons having charge thereof; and
5. Prohibiting or subjecting to conditions and restrictions the conveyance of gunpowder with any explosive or any articles or substances, or in passenger ships, boats, trains, or carriages; and
6. Prohibiting in cases where the loading or unloading of gunpowder within the jurisdiction of such authority appears to be specially dangerous to the public such loading or unloading, and fixing the places and times at which the gunpowder is to be loaded or unloaded, and the quantity to be loaded or unloaded or conveyed at one time or in one ship, boat, or carriage; and
7. Regulating the mode of and the precautions to be observed in conveying any gunpowder, and in the loading or unloading any ship, boat, or carriage conveying gunpowder as merchandise, and the time during which gunpowder may be kept during such conveyance, loading, or unloading; and
8. Fixing the times at which lights or fires are to be allowed or not allowed on board such ships or boats, as before mentioned, or at which a constable or officer of the harbour authority is to be on board them; and
9. Providing for the publication and supply of copies of the byelaws; and
10. Enforcing the observance of this Act both by their own servants and agents and also by other persons when within the said jurisdiction; and
11. Generally for protecting, whether by means similar to those above mentioned or not, persons and property from danger.

The penalties to be annexed to any breach or attempt to commit any breach of any such byelaws may be all or any of the following penalties, and may be imposed on such persons and graduated in such manner as may be deemed just, according to the gravity of the offence, and according as it may be a first or second or other subsequent offence, that is to say, pecuniary penalties not exceeding twenty pounds for each offence, and ten pounds for each day during which the offence continues, and forfeiture of all or any part of the gun-

powder in respect of which, or found in the ship, boat, or carriage in respect of which, the breach of byelaw has taken place.

In the event of any breach of a byelaw under this section in the case of any ship, boat, carriage, or gunpowder, whether there has or has not been any conviction for such breach, it shall be lawful for the harbour-master, or other officer named in the byelaws, or any person acting under the orders of the harbour authority, to cause such ship, boat, carriage, or gunpowder, at the expense of the owner thereof, to be removed to such place or otherwise dealt with in such manner as may be in conformity with the byelaws, and all expenses incurred in such removal may be recovered in the same manner as a penalty under this section, and any person resisting such harbour-master or officer or other person in such removal shall be liable to the same penalties as a person is liable to for obstructing the harbour-master in the execution of his duty.

On any part of the coast of the United Kingdom or in any tidal water for which there is no harbour authority, the Board of Trade may, if they think it expedient, make byelaws under this section for that part or water as if it were a harbour and they were the harbour authority, and such byelaws shall be deemed to have been made by a harbour authority with the sanction of the Board of Trade; and they may by such byelaws define the area within which such byelaws are to be observed, and the authorities and officers by whom such byelaws are to be enforced and carried into effect within such area, and every such authority and officer shall for the purposes of this Act, other than making byelaws or assenting to a site for a new factory or magazine, have the same power within the said area as a harbour authority and an officer of a harbour authority have respectively under this Act in a harbour.

Byelaws by railway and canal company as to conveyance, loading, &c. of gunpowder.

35. Every railway company and every canal company over whose railway or canal any gunpowder is carried, or intended to be carried, shall, with the sanction of the Board of Trade, make byelaws for regulating the conveyance, loading, and unloading of such gunpowder on the railway or canal of the company making the byelaws, and in particular for declaring and regulating all or any of the following matters in the case of such railway or canal; that is to say,

1. Determining the notice to be given of the intention to send gunpowder for conveyance as merchandise on the railway or canal; and
2. Regulating, subject to the general rules with respect to packing in this Act contained, the mode of stowing and keeping gunpowder for conveyance and of giving notice by brands, labels, or otherwise of the nature of the package containing the gunpowder; and

3. Regulating the description and construction of carriages, ships, or boats to be used in the conveyance of gunpowder; and
4. Prohibiting or subjecting to conditions and restrictions the conveyance of gunpowder with any explosive, or with any articles or substances, or in passenger trains, carriages, ships, or boats; and
5. Fixing the places and times at which the gunpowder is to be loaded or unloaded, and the quantity to be loaded or unloaded or conveyed at one time, or in one carriage, ship, or boat; and
6. Determining the precautions to be observed in conveying gunpowder, and in loading and unloading the carriages, ships, and boats used in such conveyance, and the time during which the gunpowder may be kept during such conveyance, loading, and unloading; and
7. Providing for the publication and supply of copies of the byelaws; and
8. Enforcing the observance of this Act both by their servants and agents and also by other persons when on the canal or railway of such company; and
9. Generally for protecting, whether by means similar to those above mentioned or not, persons and property from danger.

Such byelaws, when confirmed by the Board of Trade, shall apply to the railway, canal, agents, and servants of the company making the same, and to the persons using such railway or canal, or the premises connected therewith and occupied by or under the control of such company.

The penalties to be annexed to any breach or attempt to commit any breach of any such byelaws may be all or any of the following penalties, and may be imposed on such persons and graduated in such manner as may be deemed just, according to the gravity of the offence, and according as it may be a first, second, or other subsequent offence, that is to say, pecuniary penalties not exceeding twenty pounds for each offence, and ten pounds for each day during which the offence continues, and forfeiture of all or any part of the gunpowder in respect of which, or being in the carriage, ship, or boat or train of carriages, ships, or boats in respect of which, the breach of byelaw has taken place.

Byelaws as to wharves in which gunpowder is loaded or unloaded.

36. The occupier of every wharf or dock on or in which gunpowder is loaded or unloaded (if such loading or unloading is not otherwise subject to any byelaws under this Act) may, and if so required by the Secretary of State shall, from time to time, with the sanction of the Secretary of State, make byelaws for regulating the loading and unloading of gunpowder on or in such wharf or dock, and in particular for declaring or regulating all or any of the matters which

can be declared or regulated in the case of any wharf or dock within the jurisdiction of a harbour authority by byelaws made by such authority in pursuance of this Act.

The penalties to be annexed to any breach, or attempt to commit any breach, of any such byelaws may be all or any of the following penalties, and may be imposed on such persons and graduated in such manner as may be deemed just, according to the gravity of the offence, and according as it may be a first or second or other subsequent offence, that is to say, pecuniary penalties not exceeding twenty pounds for each offence, and ten pounds for each day during which the offence continues, and forfeiture of all or any part of the gunpowder in respect of which, or found on the wharf or in the dock or part of the wharf or dock in respect of which, the breach of byelaw has taken place.

Any byelaws made in pursuance of this section may, and if required by the Secretary of State shall, be rescinded, altered, or added to by byelaws made by the occupier, with the sanction of the Secretary of State.

If an occupier is required by the Secretary of State to make byelaws under this section for any matter, and fail within three months after such requisition to comply therewith to the satisfaction of the Secretary of State, the Secretary of State may make such byelaws, which shall have effect as if made by the occupier with the sanction of the Secretary of State.

Where by reason of a wharf being a public wharf or otherwise, there is no occupier thereof, or the occupier thereof is unknown, the Secretary of State may make byelaws with respect to such wharf in like manner as if the occupier had failed to comply with his requisition: Provided that where such wharf abuts on any harbour, canal, or railway, the harbour authority or canal or railway company shall have the same power, and, if so required by the Secretary of State, shall be under the same obligation to make byelaws under this section for such wharf as if they were the occupiers thereof.

Byelaws as to conveyance by road or otherwise, or loading of gunpowder.

37. The Secretary of State may from time to time make, and when made, rescind, alter, or add to, byelaws or regulating the conveyance, loading, and unloading of gunpowder in any case in which byelaws made under any other provision of this Act do not apply, and in particular for declaring or regulating all or any of the following matters; that is to say,

1. Regulating the description and construction of carriages to be used in the conveyance of gunpowder as merchandise; and
2. Prohibiting or subjecting to conditions and restrictions the conveyance of gunpowder with any explosive, or with any articles or substances, or in passenger carriages; and

3. Fixing the places and times at which the gunpowder is to be loaded or unloaded, and the quantity to be loaded or unloaded or conveyed at one time or in one carriage; and
4. Determining the precautions to be observed in conveying gunpowder, and in loading and unloading the carriages used in such conveyance, and the time during which the gunpowder may be kept during such conveyance, loading and unloading; and
5. Providing for the publication and supply of copies of the byelaws; and
6. Generally for protecting, whether by means similar to those above mentioned or not, persons or property from danger; and
7. Adapting on good cause being shown the byelaws in force under this section to the circumstances of any particular locality.

The penalties to be annexed to any breach, or attempt to commit any breach, of any such byelaws may be all or any of the following penalties, and may be imposed on such persons and graduated in such manner as may be deemed just, according to the gravity of the offence, and according as it may be a first, second, or other subsequent offence, that is to say, pecuniary penalties not exceeding twenty pounds for each offence, and ten pounds for each day during which the breach continues, and forfeiture of all or any part of the gunpowder in respect of which, or being in the carriage in respect of which, the breach of byelaw has taken place.

For the purpose of any mode of conveyance which is not a conveyance by land this section shall be construed as if ship and boat were included in the term carriage.

Confirmation and publication of byelaws.

38. Any recommendation to Her Majesty in Council, any general rules with respect to packing, and any byelaws which is or are proposed to be made under this Act by a Secretary of State or the Board of Trade shall, before being so made, be published in such manner as the Secretary of State or the Board of Trade, as the case may be, may direct as being in his or their opinion sufficient for giving information thereof to all local authorities, corporations, and persons interested.

The byelaws framed by any railway company, canal company, or harbour authority under this Act shall before being sanctioned by the Board of Trade, be published in such manner as may be directed by the Board of Trade, with a notice of the intention of such company or authority to apply for the confirmation thereof, and may be sanctioned by the Board of Trade with or without any omission, addition, or alteration, or may be disallowed.

Every such byelaw may be from time to time added to, altered, or rescinded by a byelaw made in like manner and with the like sanction as the original byelaw.

The Secretary of State or the Board of Trade, as the case may be, shall receive and consider any objections or suggestions made by any local authority, corporation, or persons interested with respect to any recommendation, general rules, or byelaws published in pursuance of this section, and may, if it seem fit, amend such recommendation, general rules, or byelaws with a view of meeting such objections or suggestions without again publishing the same.

PART II.

LAW RELATING TO OTHER EXPLOSIVES.

Application of Part I. to other Explosives.

Part I relating to gunpowder applied to other explosives.

39. Subject to the provisions hereafter in this part of this Act contained, Part One of this Act relating to gunpowder shall apply to every other description of explosive, in like manner as if those provisions were herein re-enacted with the substitution of that description of explosive for gunpowder.

Modification of Part I. as applied to explosives other than gunpowder.

40. The following modifications and additions shall be made in and to Part One of this Act as applied to explosives other than gunpowder:

(1.) The draft license for a factory or magazine submitted by an applicant to the Secretary of State shall specify such particulars as the Secretary of State may require; and

(2.) The prescribed general rules shall be substituted for the general rules in Part One of this Act relating to factories, magazines, stores, and registered premises respectively; but no such general rule shall require the removal of any building or work in use at the date of the Order in Council by which such rule is made;

(3.) The Secretary of State may from time to time alter the general rules relating to packing contained in Part One of this Act for the purpose of adapting the same to the packing of any explosive other than gunpowder; and

(4.) For the maximum amount limited by Part One of this Act to be kept for private use and not for sale, or in a store, and for the minimum amount limited by Part One of this Act to be exposed for sale or sold otherwise than in a substantial case, box, canister, or other receptacle as therein mentioned, there shall be substituted in the case of explosives other than gunpowder the following amounts; namely,

(*a.*) Where such explosive consists of safety cartridges made with gunpowder, an amount containing not more than five times the maximum or minimum amount of gunpowder, as the case may be, above mentioned; and

(*b.*) In the case of any other explosive, the prescribed amount; and

(5.) Two or more descriptions of explosives shall not be kept in the same store or registered premises, except such descriptions as may be prescribed in that behalf; and, when so kept, shall be kept subject to the prescribed conditions and restrictions; and

(6.) Where any explosive, other than gunpowder, is allowed to be kept in the same store or registered premises with gunpowder, the maximum amount of gunpowder to be kept therein shall be the prescribed amount in lieu of the amount fixed by Part One of this Act; and

(7.) Where any explosive, other than gunpowder, is allowed to be kept in the same magazine, store, or registered premises with gunpowder, the prescribed general rules shall be observed instead of the general rules in Part One of this Act; and

(8.) There shall be on the outermost package containing the explosive in lieu of the word "gunpowder" the name of the explosive, with the addition of the word "explosive," and if such name is materially false the person selling or exposing for sale such explosive, and also the owner of the explosive, shall be liable to a penalty not exceeding fifty pounds:

(9.) With respect to the importation from any place out of the United Kingdom of either dynamite or guncotton, or any explosive (other than gunpowder, cartridges made with gunpowder, percussion caps, fireworks, and any prescribed explosive), the following provisions shall have effect; that is to say,

(*a.*) The owner and master of any ship having on board any such explosive shall not permit the same to be unloaded and delivered to any person who does not hold a license to import the same (in this Act called an importation license) from the Secretary of State, and any transhipment shall for the purpose of this section be deemed to be delivery; and

(*b*) The Secretary of State may grant an importation license for any such explosive, and may annex thereto any prohibitions and restrictions with respect to the composition and quality of the explosive, and the unloading, landing, delivery, and conveyance thereof, and such further provisions and restrictions as he may think fit, for the protection of the public from danger; and

(*c.*) The license shall be of such duration as the Secretary of State may fix, and shall be available only for the person named in the license; and

(*d.*) In the event of any breach by any act or default of the provisions of this section with respect to the importation of an explosive, or of the provisions of any importation license, all or any part of the explosive with respect to which such breach is committed, or being in any ship or boat in connexion with which such breach is committed, may be forfeited, and the owner and master of such ship or boat, and the licensee or person to whom the explosive is delivered, shall each be liable to a penalty not exceeding one hundred pounds, and to a further penalty not exceeding two shillings for every pound of such explosive; and

(*e.*) The Commissioners of Customs and their officers shall have the same power with respect to any such explosive, and the ship containing the same, as they have for the time being with respect to any article on the importation of which restrictions are for the time being imposed by the law relating to the Customs, and the ship containing the same, and the enactments for the time being in force relating to the Customs or any such article or ship shall apply accordingly.

Exemption of making and carrying safety cartridges for private use.

41. Nothing in this Act shall apply to the filling or conveying for private use and not for sale, of any safety cartridges to the amount allowed by this Act to be kept for private use.

Extension of 18 & 19 Vict. c 119. s 29 and 36 & 37 Vict. c 85. ss. 23-27. to all explosives.

42. Section twenty-nine of the Passengers Act, 1855, and sections twenty-three to twenty-seven, both inclusive, of the Merchant Shipping Act, 1873, shall apply to every explosive within the meaning of this Act in like manner as they apply to gunpowder.

Specially dangerous Explosives.

Power to prohibit manufacture, importation, storage, and carriage of specially dangerous explosives.

43. Notwithstanding anything in this Act, Her Majesty from time to time, by Order in Council, may prohibit, either absolutely, or except in pursuance of a license of the Secretary of State under this Act, or may subject to conditions or restrictions the manufacture, keeping, importation from any place out of the United Kingdom, conveyance, and sale, or any of them, of any explosive which is of so dangerous a character that, in the judgment of Her Majesty, it is expedient for the public safety to make such Order:

Provided that such Order shall not absolutely prohibit anything which may be lawfully done in pursuance of any continuing certificate under this Act.

Any explosive manufactured or kept in contravention of any such Order shall be deemed to be manufactured or kept, as the case may be, in an unauthorised place.

Any explosive conveyed in contravention of any such Order shall be deemed to be conveyed in contravention of a byelaw made under this Act with respect to the conveyance of explosives.

If any explosive is imported or sold in contravention of any such Order,—

1. All or any part of such explosive may be forfeited; and
2. The owner or master of the ship in which it was imported shall be liable to a penalty not exceeding ten shillings for every pound of such explosive brought in the ship; and
3. The person to whom it was delivered and the person selling the same shall be liable to a penalty not exceeding ten shillings for every pound of such explosive delivered or sold or found in his possession.

The Commissioners of Customs and their officers shall have the same power with respect to any such explosive, and the ship containing the same, as they have for the time being with respect to any article prohibited to be imported by the law relating to the Customs, and the ship containing the same, and the enactments for the time being in force relating to the Customs and any such article or ship shall apply accordingly.

Provisions in favour of certain Manufacturers and Dealers.

Provision in favour of makers, &c. of blasting cartridges.

44. The occupier of a factory for any explosive shall not be required by this Act to take out a factory license for making up on such factory the explosive made thereon into cartridges or charges for cannon or blasting not containing within themselves their own means of ignition.

The occupier of any magazine, store, or registered premises for keeping any explosive may keep that explosive when made up into such cartridges or charges as above in this section mentioned, as if it were not so made up, and the provisions of this Act with respect to the keeping of any explosive shall apply to the keeping of that explosive when made up into the said cartridges or charges, in like manner as if the explosive were not so made up.

Provision in favour of makers of new explosive for experiment.

45. The occupier of a factory for any explosive who manufactures a new explosive or new form of explosive similar to the one specified in his license, shall not be deemed to have manufactured the same in an unauthorised place if he manufacture the same on a small scale, and exclusively for the purpose of trial and not for sale, and he send notice of the same, as soon as he has manufactured it, to the Secretary of State, and if he observe the provisions of this Act, so far as they are applicable.

Provision in favour of gun-makers, &c.

46. The occupier of a magazine, store, or registered premises for any explosive shall not be required by this Act to take out a factory license by reason that in connexion with such

making cartridges.

magazine, store, or premises he fills for sale or otherwise any cartridge for small arms with the said explosive, so that he observe the following regulations; namely,

(1.) There shall not be in the room in which such filling is being carried on more than five pounds of gunpowder, or the prescribed amount of any other explosive, except it is made up into safety cartridges; and

(2.) Any work unconnected with the making of the cartridges shall not be carried on in the room while such filling is being carried on; and

(3.) There shall not be in the room while such filling is being carried on any fire nor any artificial light, except a light of such construction, position, or character as not to cause any danger of fire or explosion; and

(4.) In the case of a magazine or store, the room in which the filling is carried on shall be detached from the magazine or store, but in the immediate neighbourhood thereof, and at such distance therefrom as may be specified in the case of a magazine by the license, and in the case of a store by an Order in Council relating to stores; and

(5.) The occupier shall give notice in the case of a magazine to the Secretary of State, and in the case of a store or registered premises to the local authority, that he intends to carry on such filling of cartridges as is allowed by this section.

Provided that this section shall not, except with the consent of the Secretary of State, apply to any magazine or store for which a continuing certificate has been obtained under this Act, which consent the Secretary of State, if satisfied that the filling of cartridges in accordance with this section ought (due regard being had to the safety of the public) to be allowed, may grant either absolutely or upon such conditions as he may, under the special circumstances of the case, think expedient to secure the safety of the public.

The regulations in this section and any conditions so made by the Secretary of State as last aforesaid, shall be deemed to be general rules under this Act relating to the magazine, store, and registered premises respectively, and the breach of them shall be punished accordingly.

Provision in favour of owners of mines and quarries, as to making charges, &c. for blasting.

47. The occupier of any magazine or store for any explosive shall not be required by this Act to take out a factory license by reason that, in connexion with such magazine or store, he, by filling cartridges, making charges, drying, sifting, fitting, or otherwise adapts or prepares the said explosive for use exclusively in his mine or quarry, or in some excavation or work carried on by him or under his control, so that he observe the following regulations; namely,

(1.) There shall not be in the workshop in which such adaptation or preparation is carried on more than one hundred pounds of gunpowder or the prescribed amount of any other explosive; and

(2.) Any work unconnected with such adaptation or preparation shall not be carried on in the said workshop while such adaptation or preparation is being carried on; and

(3.) The said workshop shall be detached from the magazine or store, but in the immediate neighbourhood thereof, and at such distance therefrom as may be specified, in the case of a magazine by the license, and in the case of a store by an Order in Council relating to stores; and

(4.) An explosive of one description shall not be converted into an explosive of another description, and shall not be unmade or resolved into its ingredients; and

(5.) The occupier shall give notice in the case of a magazine to the Secretary of State, and in the case of a store to the local authority, that he intends to carry on such adaptation or preparation as is allowed by this section.

Provided that this section shall not, except with the consent of the Secretary of State, apply to any magazine or store for which a continuing certificate has been obtained under this Act, which consent the Secretary of State, if satisfied that the adaptation or preparation in accordance with this section ought (due regard being had to the safety of the public) to be allowed, may grant either absolutely or upon such conditions as he may, under the special circumstances of the case, think expedient to secure the safety of the public.

The regulations in this section, and any conditions so made by the Secretary of State as last aforesaid, shall be deemed to be general rules under this Act relating to the magazine and store respectively, and the breach of them shall be punished accordingly.

The following general rules shall apply as if the said workshop were a danger building, that is to say, if the adaptation or preparation carried on is of gunpowder only, the general rules with respect to a factory in Part One of this Act, and in any other case the prescribed general rules; and the breach of such general rules shall be punished in like manner as the breach of general rules with respect to a factory.

Provision in favour of small firework manufacturer who may obtain a license from the local authority.

48. A firework factory shall not be deemed to be a small firework factory for the purposes of this Act if there is upon the same factory at the same time—

(a.) More than one hundred pounds of any explosive other than manufactured fireworks and coloured fires and stars; or

(*b.*) More than five hundred pounds of manufactured fireworks, either finished or partly finished; or

(*c.*) More than twenty-five pounds of coloured fires or stars, not made up into manufactured fireworks.

The occupier of a small firework factory shall not be required to obtain a license under Part One of this Act for such factory if he has obtained a license from the local authority under this part of this Act.

A person having such license from the local authority who manufactures an explosive (other than nitro-glycerine or any prescribed explosive) for the purpose only of the manufacture of coloured fires or a manufactured firework in accordance with this Act, and does not sell the same except in the form of coloured fires packed in the manner required by this Act, or of a manufactured firework, shall not be deemed to manufacture an explosive in an unauthorised place.

Licensing by local authority and regulation of small firework factories.

49. Any person may apply for a small firework factory license to the local authority at the time and place appointed by such authority, stating his name, address, and calling, and the proposed site and construction of the factory, and the amount and description of explosive he proposes to have therein, and in any building therein; and the local authority shall, as soon as practicable, if the proposed site, construction of the factory, and amount of explosive is in accordance with the Order in Council regulating small firework factories, grant to the applicant, on payment of such fee, not exceeding five shillings, as may be fixed by that authority, the license applied for.

The powers of this Act of making Orders in Council with respect to stores and of prescribing general rules with respect to stores shall extend to making Orders in Council and prescribing general rules with respect to small firework factories and the buildings thereon; and any breach (by any act or default) of any such general rule shall involve the same penalties and forfeitures as a breach of a general rule relating to stores.

A small firework factory license shall be valid only for the person named in it, and the provisions of this Act with respect to the renewal, expiration, and form of store licenses, and fees for such renewal, and to special rules for the regulation of persons managing or employed in or about stores, shall apply in like manner as if they were herein enacted, and in terms made applicable to small firework factory licenses and small firework factories respectively.

Keeping without a license and conveyance of percussion caps, &c.

50. A person shall not be required by this Act to take out a license or to register any premises for the keeping of percussion caps, or safety-fuzes for blasting, or fog-signals kept by any railway company for use on the railway of such company, or any prescribed explosive.

It shall not be obligatory on any harbour authority, railway company, canal company, or occupier of a wharf, to make any byelaws with respect to the conveyance, loading, or unloading of any explosives to which this section applies.

It shall be lawful for Her Majesty, by Order in Council, to exempt any explosive to which this section applies, or any description thereof, from any other of the provisions of this Act, or to declare that a license shall be required for the keeping of any explosive to which this section applies, or any description thereof, or that byelaws shall be made with respect to the loading unloading, and conveyance thereof.

Existing Factories, Magazines, and Stores.

Application of Part I. of the Act to existing factories and magazines.

51. In any continuing certificate for a lawfully existing factory or magazine for any explosive other than gunpowder, the regulations set out in the first schedule to this Act shall not form part of the terms of such certificate, but in lieu thereof the Secretary of State shall insert in the certificate as the terms thereof,—

(1.) If the factory or magazine is for dynamite or any substance having nitro-glycerine as one of its component parts or ingredients, the conditions contained in the existing license, with such modifications (if any) as the Secretary of State may think necessary in order to bring the same into conformity with this Act, and also any limitation of time for the expiration of the license contained in the existing license, and also the existing power of the Secretary of State to revoke the license; and

(2.) In any other case, such terms as the Secretary of State may think expedient, having regard to the conditions (if any) contained in the license under which the factory or magazine is established; and such terms shall include any limitation of time contained in such license, but shall not require the removal of any lawfully existing building or work.

If a new license under this Act is obtained for keeping in an existing gunpowder store any explosive other than gunpowder, the continuing certificate of such store shall be determined, and the store shall cease to be deemed to be an existing gunpowder store within the meaning of this Act.

Continuing certificate not required for factory, magazine, or importation license expiring within 12 months, or for stores licensed under Nitro-glycerine Act, 1869.

52. Where the license of a factory or magazine for any explosive other than gunpowder will expire within twelve months after the commencement of this Act, the occupier of such factory or magazine shall not require a continuing certificate under this Act, but until such license expires shall be entitled to use such factory or magazine in like manner as if this Act had not passed, without prejudice nevertheless to any application by him for a license under this Act for such factory or magazine, but after a license under this Act is

obtained for the same, or after the expiration of the old license, such factory or magazine shall not be deemed to be a lawfully existing factory or magazine within the meaning of this Act.

The occupier of any magazine licensed at the time of the passing of this Act by a general magazine license under the Nitro-glycerine Act, 1869, shall not require a continuing certificate under this Act, but until the expiration of six months after the commencement of this Act shall be entitled to use such magazine in like manner as if this Act had not passed, without prejudice nevertheless to a license under this Act being obtained for the same; but after a license under this Act is obtained for the same, or after the expiration of the said six months, such license shall determine, and such magazine shall not be deemed to be a lawfully existing magazine or store within the meaning of this Act

The holder of any importation license under the Nitro-glycerine Act, 1869, shall, until the expiration of six months after the commencement of this Act, be entitled to act under such license in like manner as if this Act had not passed, without prejudice nevertheless to any application by him for an importation license under this Act; but after such license under this Act is obtained, or after the expiration of the said six months, such existing license shall determine.

PART III.

ADMINISTRATION OF LAW.

Government Supervision.

Inspection.

Appointment of Government inspectors.

53. The Secretary of State may from time to time by order appoint any fit persons to be inspectors for the purposes of this Act, and assign them their duties, and award them such salaries as the Commissioners of Her Majesty's Treasury may approve, and remove such inspectors, and any such inspector is referred to in this Act as a Government inspector.

Every order appointing an inspector shall be published in the London Gazette.

Disqualification of persons as inspectors.

54. Any person who practises or acts, or is a partner with any person who practises or acts, as a manufacturer, storer, carrier, importer or exporter of or trader or dealer in an explosive, or holds any patent connected with an explosive, or is otherwise directly or indirectly engaged or interested in any such manufacture, storage, conveyance, importation, exportation, trade, dealing, or patent, shall not act as an inspector under this Act

Powers of Government inspectors.

55. A Government inspector shall have power to make such examination and inquiry as may be necessary to ascertain whether this Act is complied with, and for that purpose,—

(1.) He may enter, inspect, and examine any factory, magazine, or store of any explosive, and every part thereof, at all times by day and night, but so as not to unnecessarily impede or obstruct the work in such factory, magazine, or store, and may make inquiries as to the observance of this Act and all matters and things relating to the safety of the public or of the persons employed in or about such factory, magazine, or store; and

(2.) He may enter, inspect, and examine any premises registered under this Act, and every part thereof, in which any explosive is kept, or is reasonably supposed by him to be kept, at all reasonable times by day; and

(3.) He may require the occupier of any factory, magazine, store, or premises which he is entitled, under this section, to enter, or a person employed by such occupier therein, to give him samples of any explosive or ingredients of an explosive therein, or of any substance therein, the keeping of which is restricted or regulated by this Act, or of any substance therein which the inspector believes to be an explosive, or such ingredients or substance.

The occupier of every such factory, magazine, store, and registered premises, his agents and servants, shall furnish the means required by the inspector as necessary for every such entry, inspection, examination, and inquiry.

Any person who fails to permit a Government inspector to enter, inspect, examine, or make inquiries in pursuance of this section, or to comply with any requisition of such inspector in pursuance of this section, or who in any manner obstructs such inspector in the execution of his duties under this Act, shall be liable to a penalty not exceeding one hundred pounds for each offence.

Notice by Government inspector to remedy dangerous practices, &c., and penalty for non-compliance.

56. If in any matter (which is not provided for by any express provision of this Act) an inspector find any factory, magazine, or store for an explosive, or any part thereof, or any thing or practice therein or connected therewith, to be unnecessarily dangerous or defective, so as in his opinion to tend to endanger the public safety or the bodily safety of any person, such inspector may require the occupier of such factory, magazine, or store to remedy the same.

Where the occupier objects to comply with the requisition he may require the matter to be referred to arbitration in manner provided by this Act.

No person shall be precluded by any contract from doing such acts as may be necessary to comply with a requisition or award under this section; and no person shall be liable under any contract to any penalty or forfeiture for doing those acts

if he gave notice of such contract to the inspector at or before the time at which the inspector made the requisition or to the arbitrators before the award was made.

If the occupier fail to comply with the requisition or award within twenty days after the expiration of the time for requiring the matter to be referred to arbitration if there is no reference to arbitration, or if there is such a reference after the date of the award, he shall be liable to a penalty not exceeding twenty pounds for every day during which he so fails to comply.

Provided that the court, if satisfied that the occupier has taken active measures for complying with the requisition or award, but has not, with reasonable diligence, been able to complete the works, may adjourn any proceedings taken before them for punishing such failure, and if the works are completed within a reasonable time in the opinion of the court, no penalty shall be inflicted.

Annual report of Government inspectors proceedings.

57. A report of the proceedings under this Act shall be made annually to the Secretary of State, by such inspectors and in such manner and form as may be directed by him, and shall be laid before both Houses of Parliament.

Inspection by railway inspectors or inspectors of Board of Trade.

58. The Board of Trade may from time to time, by order, direct—

(*a.*) Any person acting under the Board as an inspector of railways to inquire into the observance of this Act by any railway company or canal company, and generally to act with respect to any railway or canal as an inspector under this Act; or

(*b.*) Any person acting under the Board as an inspector or otherwise for the purposes of the Merchant Shipping Act, 1854, or the Acts amending the same, to inquire into the observance of this Act in any harbour or in the case of any ship, and generally to act in such harbour and with respect to ships as an inspector under this Act.

The Board of Trade may revoke any such order; and each such inspector shall, while such order is in force, have for that purpose the same powers and authorities as he has under the Acts in pursuance of which he was originally appointed inspector, and also the powers and authorities of a Government inspector under this Act.

Application of 35 & 36 Vict. c. 76. and c. 77. to magazines used for mines.

59. Where a magazine or store is established for the purpose of any mine subject to the Coal Mines Regulation Act, 1872, or the Metalliferous Mines Regulation Act, 1872, by the owner (as defined by such Act) of the mine, the Secretary of State may from time to time by order direct an inspector under either of those Acts to act with respect to such magazine or store as a Government inspector under this Act, and may revoke any

such order; and such inspector shall, while such order is in force, have for that purpose the same powers and authorities as he has under the said Acts, and also the powers and authorities of a Government inspector under this Act.

60. A copy of any license confirmed by the Secretary of State under this Act, and of any special rules under this Act, certified by a Government inspector, shall be evidence of such license and special rules respectively, and of the fact of such license having been duly granted and confirmed and such special rules duly established under this Act.

License and special rules certified by Government inspector to be evidence. 35 & 36 Vict. c. 76. s. 59.

61. A Government inspector, and any other person authorised by him for the purpose, may keep and convey any sample taken for the purposes of this Act by or by authority of such inspector, so that the amount of it do not exceed what is reasonably necessary for the purpose of enabling such inspector to perform his duties under this Act, and be kept and carried with all due precautions to prevent accident; and such inspector or person shall not be liable to any penalty, punishment, or forfeiture under this or any other Act for keeping or conveying such sample.

Keeping and carriage of samples by Government inspector.

62. The salaries of the Government inspectors, and the expenses incurred by the Secretary of State or the Government inspectors in carrying this Act into execution, shall be defrayed out of moneys provided by Parliament.

Salaries of Government inspectors and expenses of Act.

Accidents.

63. Whenever there occurs any accident by explosion or by fire in or about or in connexion with any factory, magazine, or store, or any accident by explosion or by fire causing loss of life or personal injury in or about or in connexion with any registered premises, the occupier of such factory, magazine, store, or premises shall forthwith send or cause to be sent notice of such accident and of the loss of life or personal injury (if any) occasioned thereby to the Secretary of State. A notice of any accident of which notice is sent in pursuance of this section to a Government inspector need not be sent to any inspector or sub-inspector of factories or any inspector of mines.

Notice to be given of accidents connected with explosive.

Where in, about, or in connexion with any carriage, ship, or boat, either conveying an explosive, or on or from which an explosive is being loaded or unloaded, there occurs any accident by explosion or by fire causing loss of life or personal injury, or if the amount of explosive conveyed or being so loaded or unloaded exceeds in the case of gunpowder half a ton, and in the case of any other explosive the prescribed amount, any accident by explosion or by fire, the owner or master of such carriage, ship, or boat, and the owner of the explosive conveyed therein or being loaded or unloaded therefrom, or one of them, shall forthwith send or cause to be sent

notice of such accident, and of the loss of life or personal injury, if any, occasioned thereby, to the Secretary of State.

Every such occupier, owner, or master as aforesaid who fails to comply with this section shall be liable to a penalty not exceeding twenty pounds.

Reconstruction of buildings destroyed by accident.

64. Where an accident by explosion or fire has occurred in, and wholly or partly destroyed a factory magazine, or any magazine or store, the factory magazine, magazine, or store shall not be reconstructed, and any further supply of an explosive shall not be put therein, except with the permission of the Secretary of State; and any explosive put therein in contravention of this section shall be deemed to be kept in an unauthorised place, and the offence may be punished accordingly:

Provided, that this enactment shall not prevent the reconstruction of a factory magazine in any lawfully existing factory upon such site in the factory, and with such precautions as may seem reasonable to the Secretary of State, due regard being had to the working of the factory as well as to the safety of the public and of the persons employed therein.

Where an accident by explosion or fire in a factory has wholly or partly destroyed any building of such factory as to which a Government inspector has previously to the accident sent to the occupier a notice that the building is unduly near to some building or work outside the factory, such building shall be reconstructed only upon such site in the factory and with such precautions as may seem reasonable to the Secretary of State, due regard being had to the working of the factory as well as to the safety of the public and of the persons employed therein.

Where an accident by explosion or by fire in a factory has wholly or partly destroyed two or more buildings in such factory, not more than one of such buildings shall be reconstructed except with the permission of the Secretary of State; provided that this enactment shall not apply to any buildings in a lawfully existing factory, if either both or all such buildings are incorporating mills, or if as regards any other buildings a Government inspector has not previously to the accident sent to the occupier a notice that such buildings are unduly near to each other.

Where a building is constructed on a different site in pursuance of this section, the Secretary of State shall cause the necessary alterations to be made in the license, and such alterations shall be deemed to be part of the license.

The reconstruction of any building in contravention of this section shall be deemed to be a breach of the terms of the license, and shall be punished accordingly.

Provisions as to coroners

65. With respect to coroners inquests on the bodies of persons whose death may have been caused by the explosion

of any explosive or by any accident in connexion with an explosive, the following provisions shall have effect:

inquests on deaths from accidents connected with explosives.

(1.) Where a coroner holds an inquest upon a body of any person whose death may have been caused by any accident of which notice is required by this Act to be given to the Secretary of State, or by the explosion of any explosive, the coroner shall adjourn such inquest unless a Government inspector, or some person on behalf of the Secretary of State, is present to watch the proceedings:

(2.) The coroner, at least four days before holding the adjourned inquest, shall send to the Secretary of State notice in writing of the time and place of holding the adjourned inquest:

(3.) The coroner, before the adjournment, may take evidence to identify the body, and may order the interment thereof:

(4.) If an explosion or accident has not occasioned the death of more than one person, and the coroner has sent to the Secretary of State notice of the time and place of holding the inquest not less than forty-eight hours before the time of holding the same, it shall not be imperative on him to adjourn such inquest in pursuance of this section, if the majority of the jury think it unnecessary so to adjourn:

(5.) A Government inspector or person employed on behalf of the Secretary of State shall be at liberty at any such inquest to examine any witness, subject nevertheless to the order of the coroner on points of law:

(6.) Where evidence is given at an inquest at which no Government inspector or person employed on behalf of the Secretary of State is present, of any neglect as having caused or contributed to the explosion or accident, or of any defect in or about or in connexion with any factory, magazine, store, or registered premises, or any carriage, ship, or boat carrying an explosive, appearing to the coroner or jury to require a remedy, the coroner shall send to the Secretary of State notice in writing of such neglect or defect.

Inquiry into accidents and formal investigation in serious cases.

66. The Secretary of State may direct an inquiry to be made by a Government inspector into the cause of any accident which is caused by an explosion or fire either in connexion with any explosive, or of which notice is required by this Act to be given to the Secretary of State, and where it appears to the Secretary of State, either before or after the commencement of any such inquiry, that a more formal investigation of the accident, and of the causes thereof, and of the circumstances attending the same, is expedient, the Secre-

tary of State may by order direct such investigation to be held, and with respect to such inquiry and investigation the following provisions shall have effect:

(1.) The Secretary of State may, by the same or any subsequent order, appoint any person or persons possessing legal or special knowledge to assist the Government inspector in holding the formal investigation, or may direct the county court judge, stipendiary magistrate, metropolitan police magistrate, or other person or persons named in the same or any subsequent order, to hold the same with the assistance of a Government inspector or any other assessor or assessors named in the order:

(2.) The persons holding any such formal investigation (in this section referred to as the court) shall hold the same in open court in such manner and under such conditions as they may think most effectual for ascertaining the causes and circumstances of the accident, and enabling them to make the report in this section mentioned:

(3.) The court shall have for the purpose of such investigation all the powers of a court of summary jurisdiction when acting as a court in hearing informations for offences against this Act, and all the powers of a Government inspector under this Act, and in addition the following powers; namely,

(*a.*) They may enter and inspect any place or building the entry or inspection whereof appears to them requisite for the said purpose:

(*b.*) They may by summons under their hands require the attendance of all such persons as they think fit to call before them and examine for the said purpose, and may for such purpose require answers or returns to such inquiries as they think fit to make:

(*c.*) They may require the production of all books, papers, and documents which they consider important for the said purpose:

(*d.*) They may administer an oath, and require any person examined to make and sign a declaration of the truth of the statements made by him in his examination:

(*e.*) Persons attending as witnesses before the court shall be allowed such expenses as would be allowed to witnesses attending before a court of record; and in case of dispute as to the amount to be allowed, the same shall be referred by the court to a master of one of the superior courts, who, on request under the hands of the members

of the court, shall ascertain and certify the proper amount of such expenses:

(4.) The Government inspector making an nquiry into any accident and the court holding an investigation of any accident under this section shall make a report to the Secretary of State, stating the causes of the accident and all the circumstances attending the same, and any observations thereon or on the evidence or on any matters arising out of the inquiry or investigation which he or they think right to make to the Secretary of State, and the Secretary of State shall cause every such report to be made public in such manner as he thinks expedient:

(5.) All expenses incurred in and about an inquiry or investigation under this section shall be deemed to be part of the expenses of the Secretary of State in carrying this Act into execution: and

(6.) Any person who without reasonable excuse (proof whereof shall lie on him) either fails, after having had the expenses (if any) to which he is entitled tendered to him, to comply with any summons or requisition of a court holding an investigation under this Act, or prevents or impedes such court in the execution of their duty, shall for every such offence incur a penalty not exceeding ten pounds, and in the case of a failure to comply with a requisition for making any return or producing any document, not exceeding ten pounds during every day that such failure continues.

Local Supervision.

Definition and Powers of Local Authority.

Definition of local authority.

67. The local authority for the purposes of this Act, shall be—

(1.) In the city of London, except as hereafter in this section mentioned, the court of the Lord Mayor and aldermen of the said city; and

(2.) In the metropolis, (that is, in places for the time being within the jurisdiction of the Metropolitan Board of Works under the Metropolis Management Act, 1855,) except the city of London, and except as hereafter in this section mentioned, the Metropolitan Board of Works; and

(3.) In any borough in England which is not assessed to the county rate of any county by the justices of such county, except as hereafter in this section mentioned, the mayor, aldermen, and burgesses acting by the council; and

(4.) In any harbour within the jurisdiction of a harbour authority, whether situate or not within the juris-

diction of any local authority before in this section mentioned, the harbour authority, to the exclusion of any other local authority; and

(5.) In any place in which there is no local authority as before in this section defined, the justices in petty sessions assembled.

Power of certain local bodies to become a local authority.

68. The council of any borough which is assessed to the county rate of any county by the justices of such county and the commissioners of any improvement district may by order of a Secretary of State made upon the application of such council or commissioners, and published in the London Gazette, be declared to be a local authority for the purposes of this Act, and thereupon shall become a local authority accordingly for such part of their borough or district as is not included in any harbour, to the exclusion of the justices in petty sessions.

Duty of local authority and power of officer.

69. It shall be the duty of every local authority to carry into effect within their jurisdiction the powers vested in them under this Act.

Any officer authorised by the local authority may, on producing, if demanded, either a copy of his authority purporting to be certified by the clerk or some member of the local authority, or some other sufficient evidence of his authority, require the occupier of any store (not being subject to the inspection under this Act of any inspector of mines) or any registered premises, or any small firework factory, to show him every or any place and all or any of the receptacles in which any explosive or ingredient of an explosive, or any substance the keeping of which is restricted or regulated by this Act, that is in his possession is kept, and to give him samples of such explosive, ingredient, or substance, or of any substance which the officer believes to be an explosive or such ingredient or substance.

Any occupier of a store or registered premises or a small firework factory who refuses to comply with any such requisition of an officer of the local authority, or to give him such assistance as he may require for the purpose of this section, or who wilfully obstructs the local authority, or any officer of the local authority, in the execution of this Act, shall be liable to a penalty not exceeding twenty pounds.

Expenses of local authority.

70. All expenses incurred by any local authority in carrying into effect the execution of this Act, including the salary and expenses of any officer directed by them to act under this Act, shall be paid out of the local rate. The local rate shall for the purposes of this Act mean as follows; that is to say,

In the city of London the consolidated rate;

In the metropolis (exclusive of the city of London) the consolidated rate as levied in the metropolis exclusive of the city of London, and without any demand on such city;

In a borough the borough fund or borough rate;
In a harbour any moneys, fund, or rate applicable or leviable by the harbour authority for any harbour purposes;
In any place where the justices in petty sessions are the local authority the county rate; and
In an improvement district any fund, moneys, or rate applicable or leviable by the Improvement Commissioners for any purposes of improvement within their district;

And the local rate or any increase of the local rate may notwithstanding any limitation in any Act be levied for the purposes of this Act.

Power of Local Authority to provide Carriages and Magazines.

Undertaking of carriage by harbour authority and canal company.

71. Every harbour authority and canal company shall, in addition to any other powers they may have for the like purpose, have power to provide carriages, ships, and boats for the conveyance, loading, or unloading of an explosive within the jurisdiction of such authority or company, and may charge a reasonable sum fixed by a byelaw under this Act for the use of such carriage, ship, or boat.

Provision of magazines by local authority.

72. Where any local authority other than justices in petty sessions satisfy the Secretary of State that the erection of a magazine by such authority, either within or without their jurisdiction, for the keeping of any explosive, would conduce to the safety of the public within their jurisdiction, and would not be injurious to any harbour or urban sanitary district out of their jurisdiction, the Secretary of State may grant a license under this Act for such magazine.

Where the magazine is without the jurisdiction of the local authority erecting the same, the assent of the local authority within whose jurisdiction the site is situate to such site shall be applied for in manner provided by this Act, and when the magazine is within the said jurisdiction notice of the application to the Secretary of State for the license shall be given in like manner as notice of the intention to apply for the assent of the local authority to a site is required by this Act to be given.

The local authority may, for the purpose of any such license, acquire any land or right over land, or appropriate any land or right belonging to them, and acquire or build a magazine, and may maintain and manage such magazine, and may charge for the use by persons of any such magazine such reasonable sums as they may from time to time, with the approval of the Secretary of State, fix.

Such sums shall be applied in aid of the local rate, and the expenses incurred for the purposes of this section may be defrayed out of the local rate, and the local authority may borrow on the security of the local rate the amount required

for the purpose of acquiring any land or right over land, or acquiring or building a magazine in pursuance of this section.

Any such loan shall be made with the approval in the case of a council, of the Treasury, and in the case of Improvement Commissioners, of the Local Government Board, and in the case of a harbour authority, of the Board of Trade.

For the purpose of such borrowing the clauses of "The Commissioners Clauses Act, 1847," with respect to the mortgages to be executed by the Commissioners, shall be incorporated with this Act, and in the construction of those clauses for the purpose of this Act, this Act shall be deemed to be the special Act, and the local authority which is borrowing shall be deemed to be the Commissioners.

For the purpose of the purchase of any land or right over land for the purpose of this section "The Lands Clauses Consolidation Act, 1845," and the Acts amending the same, (except so much as relates to the purchase of land otherwise than by agreement,) shall be incorporated with this section, and in construing those Acts for the purposes of this section the special Act shall be construed to mean this Act, and the promoters of the undertaking shall be construed to mean the local authority, and land shall be construed to include any right over land.

Where any offence under this Act is committed in or about any magazine erected in pursuance of this section, such offence may be prosecuted and tried and the penalty and forfeiture therefor recovered either in the county or place in which the magazine is situate, or in any adjoining county or place.

General Power of Search.

Search for explosive when in place in contravention of this Act, or offence being committed with respect to it.

73. Where any of the following officers,—namely, any Government inspector, or any constable or any officer of the local authority, if such constable or officer is specially authorised either (*a*) by a warrant of a justice (which warrant such justice may grant upon reasonable ground being assigned on oath), or (*b*) (where it appears to a superintendent or other officer of police of equal or superior rank, or to a Government inspector, that the case is one of emergency and that the delay in obtaining a warrant would be likely to endanger life,) by a written order from such superintendent, officer, or inspector, —has reasonable cause to believe that any offence has been or is being committed with respect to an explosive in any place (whether a building or not, or a carriage, boat, or ship), or that any explosive is in any such place in contravention of this Act, or that the provisions of this Act are not duly observed in any such place, such officer may, on producing, if demanded, in the case of a Government inspector a copy of his appointment, and in the case of any other officer his authority, enter at any time, and if needs be by force, and as well on Sunday as on other days, the said place, and every

part thereof, and examine the same, and search for explosives therein, and take samples of any explosive and ingredient of an explosive therein, and any substance reasonably supposed to be an explosive, or such ingredient which may be found therein.

Any person who, by himself or by others, fails to admit into any place occupied by or under the control of such person any officer demanding to enter in pursuance of this section, or in any way obstructs such officer in the execution of his duty under this section, shall be liable to a penalty not exceeding fifty pounds, and shall also be liable to forfeit all explosives, and ingredients thereof, which are at the time of the offence in his possession or under his control at the said place.

Where a constable or officer of the local authority specially authorised by written authority other than a warrant of a justice of the peace, enters and searches as above provided, a special report in writing of every act done by such constable or officer in pursuance of that authority, and of the grounds on which it is done, shall be forthwith sent by the person by whom or under whose authority it was done to the Secretary of State.

Seizure and detention of explosives liable to forfeiture.

74. Where any of the following officers, namely, any Government inspector, or any constable, or any officer of the local authority, has reasonable cause to believe that any explosive or ingredient of an explosive or substance found by him is liable to be forfeited under this Act, he may seize and detain the same until some court of summary jurisdiction has determined whether the same is or is not so liable to be forfeited, and with respect thereto the following provisions shall have effect:

(1.) The officer seizing may either require the occupier of the place in which it was seized (whether a building or not, or a carriage, boat, or ship) to detain the same in such place or in any place under the control of such occupier, or may remove it in such manner and to such place as will in his opinion least endanger the public safety, and there detain it, and may, where the matter appears to him to be urgent and fraught with serious public danger, and he is a Government inspector, or is authorised by an order from a Goverment inspector or a justice of the peace, or from a superintendent or other officer of police of equal or superior rank, cause the same to be destroyed or otherwise rendered harmless; but before destroying or rendering harmless the same he shall take and keep a sample thereof, and shall, if required, give a portion of the sample to the person owning the explosive, or having the same under his control at the

time of the seizure; and any such occupier who, by himself or by others, fails to keep the same when he is required in pursuance of this section to detain it, and any such occupier or other person who, except with the authority of the officer seizing the same, or of a Government inspector, or in case of emergency for the purpose of preventing explosion or fire, removes, alters, or in any way tampers or deals with the same while so detained, shall be liable to a penalty not exceeding fifty pounds, and shall also be liable to forfeit all explosives, and ingredients thereof, which are at the time of the offence in his possession or under his control at the said place:

(2.) The proceedings before a court of summary jurisdiction for determining whether the same is or is not liable to forfeiture shall be commenced as soon as practicable after the seizure; and

(3.) The receptacles containing the same may be seized, detained, and removed in like manner as the contents thereof; and

(4.) The officer seizing the same may use for the purposes of the removal and detention thereof any ship, boat, or carriage in which the same was seized, and any tug, tender, engine, tackle, beasts, and accoutrements belonging to or drawing or provided for drawing such ship, boat, or carriage, and shall pay to the owner a reasonable compensation for such use, to be determined, in case of dispute, by a court of summary jurisdiction, and to be recovered in like manner as penalties under this Act; and

(5.) The same shall, so far as practicable, be kept and conveyed in accordance with this Act, and with all due precaution to prevent accident, but the person seizing, removing, detaining, keeping, or conveying the same shall not be liable to any penalty, punishment, or forfeiture under this or any other Act, or to any damages, for keeping or conveying the same, so that he use all such due precautions as aforesaid; and

(6.) The officer seizing the same, or dealing with the same in pursuance of this section, shall not be liable to damages or otherwise in respect of such seizure or dealing, or any act incidental to or consequential thereon, unless it is proved that he made such seizure without reasonable cause, or that he caused damage to the article seized by some wilful neglect or default.

Inspection of wharf, carriage, boat, &c. with explosives in transitu.

75. Any of the following officers, namely, any Government inspector under this Act, any chief officer of police, and any superior officer appointed for the purposes of this Act where

the justices in petty sessions are the local authority, by the court of quarter sessions to which such justices belong, and in the case of any other local authority by the local authority itself, may, for the purpose of ascertaining whether the provisions of this Act with respect to the conveyance, loading, unloading, and importation of an explosive are complied with, enter, inspect, and examine at any time, and as well on Sundays as on other days, the wharf, carriage, ship, or boat of any carrier or other person who conveys goods for hire, or of the occupier of any factory, magazine, or store, or of the importer of any explosive, on or in which wharf, carriage, ship, or boat he has reasonable cause to suppose an explosive to be for the purpose of or in course of conveyance, but so as not to unnecessarily obstruct the work or business of any such carrier, person, occupier, or importer.

Any such officer, if he find any offence being committed under this Act in any such wharf, carriage, ship, or boat, or on any public wharf, may seize and detain or remove the said carriage, ship, or boat, or the explosive, in such manner and with such precautions as appear to him to be necessary to remove any danger to the public, and may seize and detain the said explosive, as if it were liable to forfeiture.

Any officer above mentioned in this section, and any officer of police, or officer of the local authority who has reasonable cause to suppose that any offence against this Act is being committed in respect of any carriage (not being on a railway) or any boat conveying, loading, or unloading any explosive, and that the case is one of emergency, and that the delay in obtaining a warrant will be likely to endanger life, may stop, and enter, inspect, and examine, such carriage or boat, and by detention or removal thereof or otherwise take such precautions as may be reasonably necessary for removing such danger, in like manner as if such explosive were liable to forfeiture.

Every officer shall for the purpose of this section have the same powers and be in the same position as if he were authorised by a search warrant granted under this Act, and any person failing to admit or obstructing such officer shall be liable to the same penalty.

Payment for samples of explosives.

76. When a Government inspector, constable, or officer of the local authority in pursuance of this Act takes samples of any explosive, or ingredient, or substance, he shall pay for or tender payment for the same to such amount as he considers to be the market value thereof, and the occupier of the place in which, or the owner of the bulk from which, the sample was taken, may recover any excess of the real value over the amount so paid or tendered, and any amount so tendered, from the inspector, constable, or officer taking the sample as a debt in the county court of the district within which the sample was taken.

PART IV.

SUPPLEMENTAL PROVISIONS, LEGAL PROCEEDINGS, EXEMPTIONS, AND DEFINITIONS.

Supplemental Provisions.

Penalty on and removal of trespassers.

77. Any person who enters without permission or otherwise trespasses upon any factory, magazine, or store, or the land immediately adjoining thereto which is occupied by the occupier of such factory, magazine, or store, or on any wharf for which byelaws are made by the occupier thereof under this Act, shall for every such offence, if not otherwise punishable, be liable to a penalty not exceeding five pounds, and may be forthwith removed from such factory, magazine, store, land, or wharf, by any constable, or by the occupier of such factory, magazine, store, or wharf, or any agent or servant of or other person authorised by such occupier.

Any person other than the occupier of or person employed in or about any factory, magazine, or store who is found committing any act which tends to cause explosion or fire in or about such factory, magazine, or store, shall be liable to a penalty not exceeding fifty pounds.

The occupier of any such factory, magazine, store, or wharf shall post up in some conspicuous place or places a notice or notices warning all persons of their liability to penalties under this section; but the absence of any such notice or notices shall not exempt a person from a penalty under this section.

Arrest without warrant of persons committing dangerous offences.

78. Any person who is found committing any act for which he is liable to a penalty under this Act, and which tends to cause explosion or fire in or about any factory, magazine, store, railway, canal, harbour, or wharf, or any carriage, ship, or boat, may be apprehended without a warrant by a constable, or an officer of the local authority, or by the occupier of or the agent or servant of or other person authorised by the occupier of such factory, magazine, store, or wharf, or by any agent or servant of or other person authorised by the railway or canal company or harbour authority, and be removed from the place at which he is arrested, and conveyed as soon as conveniently may be before a court of summary jurisdiction.

Imprisonment for wilful act or neglect endangering life or limb.

79. Where any person is guilty of any offence which under this Act is punishable by a pecuniary penalty only, and which, in the opinion of the court that tries the case, was reasonably calculated to endanger the safety of or to cause serious personal injury to any of the public or the persons employed in or about any factory, magazine, store, or registered premises, or any harbour, railway, canal, wharf, ship, boat, carriage, or place where such offence is committed, or to cause a dangerous accident, and was committed wilfully by the personal act, personal default, or personal negligence of the person

accused, such person shall be liable, if the court is of opinion that a pecuniary penalty will not meet the circumstances of the case, to imprisonment, with or without hard labour, for a period not exceeding six months.

80. If any person throw, cast, or fire any fireworks in or into any highway, street, thoroughfare, or public place, he shall be liable to a penalty not exceeding five pounds. **Penalty for throwing fireworks in thoroughfare.**

81. Every person who forges or counterfeits any license, certificate, document, or plan granted or required in pursuance or for the purposes of this Act, or gives or signs any such document or plan which is to his knowledge false in any material particular, or wilfully makes use of any such forged, counterfeit, or false license, certificate, document, or plan, shall be liable to imprisonment, with or without hard labour, for a term not exceeding two years. **Forgery and falsification of documents.**

82. Every person who, without due authority, pulls down, injures, or defaces any notice, copy of rules, or document, when affixed in pursuance of this Act, or of the special rules, shall be liable to a penalty not exceeding two pounds. **Punishment for defacing notices.**

83. Her Majesty may from time to time make Orders in Council for doing anything which is in this Act expressed to be authorised, directed, regulated, prescribed, or done by Order in Council. **Provisions as to Orders in Council and orders of Secretary of State.**

Every Order in Council or order of the Secretary of State which purports to be made in pursuance of this Act shall be presumed to have been duly made and to be within the powers of this Act, and no objection to the legality thereof shall be entertained in any legal proceeding whatever.

Every Order in Council made in pursuance of this Act shall take effect as if it were enacted in this Act, and shall be published in the London Gazette, and shall be laid before both Houses of Parliament within one month after it is made, if Parliament be then sitting, or if not, within one month after the commencement of the then next session of Parliament.

Her Majesty may by Order in Council, and a Secretary of State may by order, from time to time revoke, add to, or alter any previous Orders in Council or orders of the Secretary of State, as the case may be, under this Act.

84. All byelaws, notices, and documents directed by this Act to be published or advertised shall, save as otherwise provided by this Act, be published in the place which such notices and documents affect, by advertisement in some newspapers circulating generally in such place, or by placards or handbills, or in such manner as the Secretary of State may from time to time direct as being in his opinion sufficient for giving information thereof to all persons interested. **Publication of byelaws, notices, &c.**

85. All orders, permissions, notices, and documents issued or given by the Secretary of State for the purposes of this **Requisitions, notices, &c. to**

be in writing, &c., and how to be served.

Act, and all notices under this Act, shall be in writing or print, or partly in writing and partly in print, and all notices and documents required by this Act to be served, given, or sent by, on, or to a Government inspector or Secretary of State may be sent by post, by a prepaid letter, and if sent by post shall be deemed to have been served, given, and received respectively at the time when the letter containing the same would be delivered in the ordinary course of post; and in proving such service, giving, or sending, it shall be sufficient to prove that the letter containing the notice was properly addressed and prepaid and put into the post.

All notices and documents directed by or required for the purposes of this Act to be given or sent to the Secretary of State shall, if sent to a Government inspector under this Act, be deemed to have been sent to the Secretary of State.

All notices and documents directed by or required for the purposes of this Act to be given or sent to a local authority may be sent, by post or otherwise, to the clerk or office of the local authority, or delivered to some person employed by them for the purposes of this Act.

Construction of enactments referring to powers of searching for gunpowder.

86. Where any enactment refers to any power of searching for gunpowder, or to any provisions of an Act of the twelfth year of King George the Third, chapter sixty-one, or of any Act repealed by this Act relative to the search for gunpowder, such enactment shall be deemed to refer to the provisions of this Act with respect to the search for and seizure, detention, and removal of an explosive by a Government inspector.

Legal Proceedings.

Exemption of occupier from penalty upon proof of another being real offender.

87. Where any offence under this Act for which the occupier of any factory, magazine, store, or registered premises is liable to a penalty or forfeiture has in fact been committed by some other person, such other person shall be liable to a penalty not exceeding twenty pounds.

Where such occupier is charged with an offence so committed by some other person, the occupier shall be exempt from any penalty and forfeiture upon proving that he had supplied proper means and issued proper orders for the observance and used due diligence to enforce the observance of this Act, and that the offence in question was actually committed by some other person without his connivance, and if the actual offender be alive, that he has taken all practicable means in his power to prosecute such offender to conviction.

Where a Government inspector, or an officer of the local authority, or the local authority, is satisfied, before instituting a proceeding for any offence under this Act against an occupier, that such occupier, if such proceeding were instituted against him, would, under the foregoing provisions of this section, upon taking all practicable means in his power to prosecute the actual offender to conviction, be exempt from

any penalty and forfeiture, and the occupier gives all facilities in his power for proceeding against and convicting the person whom the inspector, officer, or local authority believes actually to have committed the offence, the inspector, officer, or local authority shall proceed against that person in the first instance, without first proceeding against the occupier.

The occupier or other defendant, when charged in respect of any offence by another person, may, if he think fit, be sworn and examined as an ordinary witness in the case.

Where any offence under this Act for which any warehouseman, carrier, occupier of a wharf or dock, or owner or master of any ship, boat, or carriage, is liable to a penalty or forfeiture, has in fact been committed by some other person, this section shall apply in like manner as if the warehouseman, carrier, occupier of a wharf or dock, owner, or master were such an occupier as above in this section mentioned.

Exemption of carrier and owner and master of ship where consignee, &c. in fault.

88. Where a carrier or owner or master of a ship or boat is prevented from complying with this Act by the wilful act, neglect, or default of the consignor or consignee of the explosive, or other person, or by the improper refusal of the consignee or other person to accept delivery of the explosive, such consignor, consignee, or other person who is guilty of such wilful act, neglect, default, or refusal shall be liable to the same penalty to which the carrier, owner, or master is liable for a breach of this Act, and his conviction shall exempt the carrier, owner, or master from any penalty or forfeiture under this Act.

Supplemental provisions as to forfeiture of explosive.

89. Where a court before whom a person is convicted of an offence against this Act has power to forfeit any explosive owned by or found in the possession or under the control of such person, the court may, if it think it just and expedient, in lieu of forfeiting such explosive, impose upon such person, in addition to any other penalty or punishment, a penalty not exceeding such sum as appears to the court to be the value of the explosive so liable to be forfeited.

Where any explosive, or ingredient of an explosive, is alleged to be liable under this Act to be forfeited, any indictment, information, or complaint may be laid against the owner of such explosive or ingredient, for the purpose only of enforcing such forfeiture, and where the owner is unknown, or cannot be found, a court may cause a notice to be advertised, stating that unless cause is shown to the contrary at the time and place named in the notice, such explosive will be forfeited, and at such time and place the court, after hearing the owner or any person on his behalf (who may be present), may order all or any part of such explosive or ingredient to be forfeited.

Jurisdiction in tidal waters or on boundaries.

90. For all the purposes of this Act—

(1.) Any harbour, tidal water, or inland water which runs between or abuts on or forms the boundary of the

jurisdiction of two or more courts shall be deemed to be wholly within the jurisdiction of each of such courts; and

(2.) Any tidal water not included in the foregoing descriptions, and within the territorial jurisdiction of Her Majesty, and adjacent to or surrounding any part of the shore of the United Kingdom, and any pier, jetty, mole, or work extending into the same, shall be deemed to form part of the shore to which such water or part of the sea is adjacent, or which it surrounds.

Prosecution of offences either summarily or on indictment.

91. Every offence under this Act may be prosecuted and every penalty under this Act may be recovered, and all explosives and ingredients liable to be forfeited under this Act may be forfeited either on indictment or before a court of summary jurisdiction, in manner directed by the Summary Jurisdiction Acts.

Provided that the penalty imposed by a court of summary jurisdiction shall not exceed one hundred pounds exclusive of costs, and exclusive of any forfeiture or penalty in lieu of forfeiture, and the term of imprisonment imposed by any such court shall not exceed one month.

All costs and money directed to be recovered as penalties may be recovered before a court of summary jurisdiction in manner directed by the Summary Jurisdiction Acts.

A court of summary jurisdiction may by order prohibit a person from doing any act for doing which such person has twice been convicted under this Act, and may order any person disobeying such summary order to be imprisoned for any period not exceeding six months.

Power of offender in certain cases to elect to be tried on indictment, and not by summary jurisdiction.

92. Where a person is accused before a court of summary jurisdiction of any offence under this Act, the penalty for which offence as assigned by this Act, exclusive of forfeiture, exceeds one hundred pounds, the accused may, on appearing before the court of summary jurisdiction, declare that he objects to being tried for such offence by a court of summary jurisdiction, and thereupon the court of summary jurisdiction may deal with the case in all respects as if the accused were charged with an indictable offence and not an offence punishable on summary conviction, and the offence may be prosecuted on indictment accordingly.

Appeal to quarter sessions.

93. If any party feels aggrieved by any summary order made by a court of summary jurisdiction under this Act, or by any order or conviction made by a court of summary jurisdiction in determining any complaint or information under this Act, by which order or conviction the sum adjudged to be paid, including costs, and including the value of any forfeiture, exceeds twenty pounds, the party so aggrieved may appeal therefrom to quarter sessions, in manner provided with respect

to an appeal to quarter sessions by section one hundred and ten of the Act of the session of the twenty-fourth and twenty-fifth years of the reign of Her present Majesty, chapter ninety-six. 24 & 25 Vict. c. 96.

94. The court of summary jurisdiction, when hearing and determining an information or complaint, in respect of any offence under this Act, shall be constituted either of two or more justices of the peace in petty sessions sitting at a place appointed for holding petty sessions, or of some magistrate or officer sitting alone or with others at some court or other place appointed for the administration of justice, and for the time being empowered by law to do alone any act authorised to be done by more than one justice of the peace. Constitution of court.

95. Where the owner or master of a ship or boat is adjudged to pay a penalty for an offence committed with or in relation to such ship or boat, the court may, in addition to any other power they may have for the purpose of compelling payment of such penalty, direct the same to be levied by distress or arrestment and sale of the said ship or boat and her tackle. Distress of ship.

96. All penalties imposed in pursuance of this Act by a court of summary jurisdiction upon the prosecution of a Government inspector shall, notwithstanding anything in any other Act, be paid into the receipt of Her Majesty's Exchequer, in such manner as the Treasury may from time to time direct, and be carried to the Consolidated Fund. Application of penalties and disposal of forfeitures.

Any explosive or ingredient forfeited in pursuance of this Act may be sold, destroyed, or otherwise disposed of in such manner as the court declaring the forfeiture, or the Secretary of State, may direct, and the proceeds of any such sale or disposal shall be paid, applied, and accounted for in like manner as penalties under this Act.

The receptacle containing any such explosive or ingredient may be forfeited, sold, destroyed, or otherwise disposed of, in like manner as the contents thereof.

The provisions of Part Three of this Act with respect to an explosive, or ingredient of an explosive, seized in pursuance of this Act, and to the officer seizing, removing, detaining, keeping, or conveying, or otherwise dealing with the same, shall apply to any explosive and ingredient declared by any court to be forfeited, and to the officer removing, detaining, keeping, conveying, selling, destroying, or otherwise disposing of the same.

The court declaring the forfeiture, or the Secretary of State directing the sale or other disposal of any forfeited explosive or ingredient, and the receptacles thereof, may require the owner of such explosive or ingredient to permit the use of any ship, boat, or carriage containing such explosive or ingredient for the purpose of such sale or disposal, upon payment of a

reasonable compensation for the same, to be determined in case of dispute by a court of summary jurisdiction; and where the explosive or ingredient is directed to be destroyed, the owner and the person having possession of such explosive or ingredient, and the owner and master of the ship, boat, or carriage containing the same, or some or one of them, shall destroy the same accordingly, and if the court or Secretary of State so order, the ship, boat, or carriage may be detained until the same is so destroyed; and if the Secretary of State is satisfied that default has been made in complying with any such direction by him or by a court, and that the detention of the ship, boat, or carriage will not secure the safety of the public, and that it is impracticable, having regard to the safety of the public or of the persons employed in such destruction, to effect the same without using such ship, boat, or carriage, or otherwise dealing with such ship, boat, or carriage, in like manner as if it were a receptacle for an explosive forfeited under this Act, the Secretary of State may direct such ship, boat, and carriage, or any of them, to be, and the same may accordingly be, so used or dealt with.

Exemptions and Savings.

Exemption of Government factories, &c. from the Act.

97. This Act shall not apply—

(1.) To any factory, magazine, store, premises, wharf, place, or explosive under the control of the Secretary of State, the Commissioners of the Admiralty, or other department of the Government, or otherwise held for the service of the Crown, or to the manufacture, keeping, or importation of such explosive; or

(2.) To any of Her Majesty's ships, boats, or carriages; or

(3.) To the keeping or making up, or adapting for use of any explosive issued by or by the authority of a Secretary of State for the use of any volunteer corps or administrative regiment, or by or by the authority of the Commissioners of the Admiralty for the use of any force under the control of those commissioners, so far as such explosive is kept, made up, and adapted for use in accordance with the regulations of the Secretary of State or the said commissioners, as the case may be; or

(4.) To any storehouse appointed for receiving any such explosive as last above mentioned in pursuance of section twenty-six of the Volunteer Act, 1863, and any Act amending the same, or otherwise, if such storehouse is approved by the Secretary of State or the Commissioners of the Admiralty, as the case may be, as a fit place for the storing of such explosive, and is managed in accordance with the regulations of a Secretary of State or such Commissioners for the management of such storehouses, or for the

26 & 27 Vict. c. 65.

management of the like storehouses appointed for the use of Her Majesty's army or navy; or

(5.) To the conveyance of any explosive under the control of a Secretary of State, the Commissioners of the Admiralty, or other department of the Government, or to the conveyance of any explosive otherwise held for the service of the Crown when the same is being conveyed in accordance with the regulations of a Secretary of State or the Commissioners of the Admiralty or other department of the Government:

Provided that every person who enters without permission or otherwise trespasses upon any factory, magazine, or storehouse above in this section mentioned or the land immediately adjoining thereto in the occupation of the Crown or of a Secretary of State or the Commissioners of the Admiralty or other department of the Government, or if it adjoin such a storehouse in the occupation of the officer or person in whom such storehouse is vested, and any person found committing any act tending to cause explosion or fire in or about such factory, magazine, or storehouse, shall be liable to the like penalty, and may be removed and arrested in like manner as if this section had not been enacted and this Act applied to such factory, magazine, or storehouse, as above in this section mentioned.

Saving for rocket and fog stations.

98. This Act shall not apply—

(1.) To the keeping of any rockets for use in any apparatus for saving life, kept under the control of the Commissioners of the Admiralty or the Board of Trade; or

(2.) To the keeping of any explosive kept for the purpose of signalling at or near a station on the sea coast, under the control of any general lighthouse authority, as defined by the Merchant Shipping Act, 1854. **17 & 18 Vict. c. 104. s. 389.**

Exemption of magazines in the Mersey.

99. Nothing in this Act with respect to the keeping of gunpowder shall apply to any vessel for the storage of gunpowder moored in the river Mersey at a place appointed either before or after the passing of this Act, in pursuance of the Act of the session of the fourteenth and fifteenth years of the reign of Her present Majesty, chapter sixty-seven, intituled "An Act to repeal so much of an Act of the twelfth year of "King George the Third relating to the making, keeping, "and carriage of gunpowder, as exempts therefrom certain "gunpowder magazines and stores near Liverpool, and to "make certain temporary provisions with regard to the said "magazines and stores;" nor shall anything in this Act affect the powers of the Commissioners of the Admiralty, or a Secretary of State, or the Commissioners for the Conservancy of the River Mersey under the said Act:

Provided that any explosive other than gunpowder shall not be kept in such vessel except in pursuance of a license under this Act.

Saving for master of ship and carrier in case of emergency.

100. Nothing in this Act shall render liable to any penalty or forfeiture the owner or master of any ship or boat, or any carrier or warehouseman, or the person having charge of any carriage, for any act done in breach of this Act, if he prove that by reason of stress of weather, inevitable accident, or other emergency, the doing of such act was, under the circumstances, necessary and proper.

Saving for rockets, gunpowder, &c. on board ship in compliance with 17 & 18 Vict. c. 104.

101. Where any gunpowder, rockets, or other explosive are on board any ship in pursuance of the provisions of the Merchant Shipping Act, 1854, and the Acts amending the same, or any order or regulation made under any of those Acts, nothing in this Act shall apply to such gunpowder, rockets, or explosive, except that the conveyance and keeping thereof on board the ship or elsewhere while the ship is in harbour shall be subject to the byelaws under this Act, and byelaws under this Act may be made for regulating such conveyance and keeping.

Saving clause as to liability.

102. This Act shall not, save as is herein expressly provided, exempt any person from any action or suit in respect of any nuisance, tort, or otherwise, which might, but for the provisions of this Act, have been brought against him.

This Act shall not exempt any person from any indictment or other proceeding for a nuisance, or for an offence which is indictable at common law, or by any Act of Parliament other than this Act, so that no person be punished twice for the same offence.

When proceedings are taken before any court against any person in respect of any offence under this Act, which is also an offence indictable at common law or by some Act of Parliament other than this Act, the court may direct that, instead of such proceedings being continued, proceedings shall be taken for indicting such person at common law or under some Act of Parliament other than this Act.

A continuing certificate granted under this Act shall not make lawful any factory, magazine, or store, or any part thereof, which immediately before the passing of this Act was unlawful.

Powers of Act cumulative, with power to make provisional order for repealing local Acts.

103. All powers given by this Act shall be deemed to be in addition to and not in derogation of any other powers conferred on any local authority by Act of Parliament, but the Secretary of State may, on the application of any local authority, or of any council of a borough, or any urban sanitary authority, or on the application of any persons making, keeping, importing, exporting, or selling any explosive within the jurisdiction of any local authority, council, or urban

sanitary authority, after notice to such authority, make an order for repealing, altering, or amending all or any of the provisions of any Act of Parliament, charter, or custom respecting the manufacture, keeping, conveyance, importation, exportation, or sale of an explosive, or the powers of such council or authority for regulating the same, or otherwise in relation to an explosive.

Notice of the draft of every such order shall be advertised not less than one month before the order is made, and the Secretary of State shall consider all objections to such draft order sent to him in writing during the said month, and shall, if it seem to him necessary, direct a local inquiry into the validity of any such objections.

Any such order shall be of no force unless confirmed by Parliament, but when so confirmed shall have effect, with such modifications or alterations as may be therein made by Parliament.

If while a Bill confirming any such order is pending in either House of Parliament, a petition is presented against such order, the Bill, so far as it relates to such order, may be referred to a Select Committee, and the petitioner shall be allowed to appear and oppose the same as in the case of a Bill for a private Act.

An order under this section may also be made for revoking or altering an order under this section previously made and confirmed by Parliament.

Definitions.

Extension of definition of explosive to other explosive substances.

104. Her Majesty may, by Order in Council, declare that any substance which appears to Her Majesty to be specially dangerous to life or property by reason either of its explosive properties, or of any process in the manufacture thereof being liable to explosion, shall be deemed to be an explosive within the meaning of this Act, and the provisions of this Act (subject to such exceptions, limitations, and restrictions as may be specified in the order) shall accordingly extend to such substance in like manner as if it were included in the term explosive in this Act.

Persons carrying on certain processes to be deemed manufacturers.

105. Any person who carries on any of the following processes, namely, the process of dividing into its component parts or otherwise breaking up or unmaking any explosive, or making fit for use any damaged explosive, or the process of remaking, altering, or repairing any explosive, shall be subject to the provisions of this Act as if he manufactured an explosive, and the expression "manufacture" shall in this Act be construed accordingly.

Definition and classification of explosives by Order in Council.

106. It shall be lawful for Her Majesty from time to time, by Order in Council, to define, for the purposes of this Act, the composition, quality, and character of any explosive, and to classify explosives.

Where the composition, quality, or character of any explosive has been defined by an Order in Council, any article alleged to be such explosive which differs from such definition in composition, quality, or character, whether by reason of deterioration or otherwise, shall not be deemed, for the purposes of this Act, to be the explosive so defined.

Definition of "chief officer of police."

107. In this Act—

The expression "chief officer of police" means—

(1.) In the city of London and the liberties thereof, the commissioner of city police; and

(2.) In the metropolitan police district, the commissioner or any assistant commissioner or any district superintendent of metropolitan police; and

(3.) Elsewhere the chief constable, or head constable, or other officer, by whatever name called, having the chief command of the police in the police district in reference to which such expression occurs:

"Police district."

The expression "police district" means—

(1.) The city of London and the liberties thereof; and

(2.) The metropolitan police district; and

(3.) Any county, or liberty of a county, borough, town, place, or union, or combination of places maintaining a separate police force; and all the police under one chief constable shall be deemed to constitute one force for the purposes of this section.

General definitions.

108. In this Act, unless the context otherwise requires—

The expression "this Act" includes any license, certificate, byelaw, regulation, rule, and order granted or made in pursuance of this Act:

The expression "existing" means existing at the passing of this Act:

The expression "person" includes a body corporate:

The expression "occupier" includes any number of persons and a body corporate; and in the case of any manufacture or trade, includes any person carrying on such manufacture or trade:

The expression "master" includes every person (except a pilot) having command or charge of a ship, and in reference to any boat belonging to a ship, means the master of the ship; and when used in reference to any other boat, includes every person having command or charge of such boat:

The expression "magazine" includes any ship or other vessel used for the purpose of keeping any explosive:

The expression "factory magazine" means a building for keeping the finished explosive made in the factory, and includes, if such explosive is not gunpowder, any building for keeping the partly manufactured explosive or the

ingredients of such explosive which is mentioned in that behalf in the license:

The expression "store" means an existing gunpowder store as defined by this Act, or a place for keeping an explosive licensed by a license granted by a local authority under this Act:

The expression "Secretary of State" means one of Her Majesty's Principal Secretaries of State:

The expression "warehouseman" includes all persons owning or managing any warehouse, store, wharf, or other premises in which goods are deposited:

The expression "carrier" includes all persons carrying goods or passengers for hire by land or water:

The expression "harbour authority" means any person or body of persons, corporate or unincorporate, being or claiming to be proprietor or proprietors of or intrusted with the duty or invested with the power of improving managing, maintaining, or regulating any harbour properly so called, whether natural or artificial, and any port, haven, and estuary, or intrusted with the duty of conserving, maintaining, or improving the navigation of any tidal water, and any such harbour, port, haven, estuary, tidal water, and any wharf, dock, pier, jetty, and work, and other area, whether land or water, over which the harbour authority as above defined have control or exercise powers, are in the other portions of this Act included in the expression "harbour":

The expression "canal company" means any person or body of persons, corporate or unincorporate, being owner or lessee or owners or lessees of, or working, or entitled to charge tolls for the use of any canal in the United Kingdom, constructed or carried on under the powers of any Act of Parliament, or intrusted with the duty of conserving, maintaining, or improving the navigation of any inland water, and every such canal and inland water under the control of a canal company as above defined, and any wharf, dock, pier, jetty, and work in or at which barges do or can ship or unship goods or passengers, and other area, whether land or water, which belong to or are under the control of such canal company, are in the other portions of this Act included in the expression "canal":

The expression "tidal water" means any part of the sea or of a river within the ebb and flow of the tides at ordinary spring tides:

The expression "inland water" means any canal, river, navigation, lake, or water which is not tidal water:

The expression "railway company" means any person or body of persons, corporate or unincorporate, being the owner or lessee or owners or lessees of or working any

railway worked by steam or otherwise than by animal power in the United Kingdom, constructed or carried on under the powers of any Act of Parliament and used for public traffic, and every building, station, wharf, dock, and place which belong to or are under the control of a railway company, are in the other portions of this Act included in the expression "railway":

The expression "wharf" includes any quay, landing-place, siding, or other place at which goods are landed, loaded, or unloaded:

The expression "carriage" includes any carriage, waggon, cart, truck, vehicle, or other means of conveying goods or passengers by land, in whatever manner the same may be propelled:

The expression "ship" includes every description of vessel used in sea navigation, whether propelled by oars or otherwise:

The expression "boat" means every vessel not a ship as above defined which is used in navigation in any inland water or any harbour, whether propelled by oars or otherwise:

The expression "prescribed" means prescribed by Order in Council:

The expression "borough" means any place for the time being subject to the Act of the session of the fifth and sixth years of the reign of King William the Fourth, chapter seventy-six, intituled "An Act to provide for "the regulation of municipal corporations in England "and Wales," and the Acts amending the same:

The expression "county" does not include a county of a city or a county of a town:

Every riding, division, liberty, or part of a county having a separate commission of the peace and separate court of quarter sessions is for the purposes of this Act to be deemed to be a county:

The expressions "urban sanitary district" and "urban sanitary authority" mean the districts and authorities declared to be urban sanitary districts and authorities by the Public Health Act, 1872; and any urban sanitary district which is an Improvement Act district within the meaning of that Act, is in this Act referred to as an improvement district; and the expression "Improvement Commissioners" in this Act means the Commissioners who are the urban sanitary authority for such district:

The expression "safety cartridges" means cartridges for small arms of which the case can be extracted from the small arm after firing, and which are so closed as to prevent any explosion in one cartridge being communicated to other cartridges:

The expression "Gunpowder Act, 1860," means the Act of the session of the twenty-third and twenty-fourth years of the reign of Her present Majesty, chapter one hundred and thirty-nine, intituled "An Act to amend the law "concerning the making, keeping, and carriage of gun-"powder and compositions of an explosive nature, and "concerning the manufacture, sale, and use of fireworks," and the Acts amending the same:

The expression "Summary Jurisdiction Acts" means the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled "An Act to facilitate the performance of the "duties of justices of the peace out of sessions within "England and Wales with respect to summary convictions "and orders," and any Acts amending the same:

The expression "court of summary jurisdiction" means any justice or justices of the peace, metropolitan police magistrate, stipendiary or other magistrate or officer, by whatever name called, to whom jurisdiction is given by the Summary Jurisdiction Acts or any Acts therein referred to:

The expression "quarter sessions" includes general sessions.

Application of Act to Scotland.

This Act shall apply to Scotland, with the following modifications; that is to say,

109. In this Act with respect to Scotland— Definitions.

(1.) The expression "borough" means any royal burgh, and any burgh returning or contributing to return a member to Parliament:

(2.) The expression "a master of one of the superior courts" means the auditor of the Court of Session:

(3.) The expression "umpire" means oversman:

(4.) The expression "attending before a court of record" means attending on citation the Court of Justiciary:

(5.) The expression "stipendiary magistrate" means a sheriff or sheriff substitute:

(6.) The expression "defendant" means defender, and includes respondent:

(7.) The expression "chief officer of police" means the chief constable, superintendent of police, or other officer, by whatever name called, having the chief command of the police in any district maintaining a separate police force:

(8.) The expression "chairman of quarter sessions" means the sheriff of the county:

(9.) The expression "misdemeanor" means a crime and offence:

(10.) The expression "the court of summary jurisdiction" means the sheriff of the county or any one of his substitutes:

(11.) This Act shall be read and construed as if for the expression "The Lands Clauses Consolidation Act, 1845," wherever it occurs therein, the expression "The Lands Clauses Consolidation (Scotland) Act, 1845," were substituted.

Local authority.

110. In Scotland, the local authority for the purposes of this Act shall be as follows:

1. In any borough the magistrates and town council; and
2. In any harbour within the jurisdiction of a harbour authority, whether situate or not within the jurisdiction of any local authority for a borough, the harbour authority, to the exclusion of any other local authority; and
3. In any place other than a borough or harbour as aforesaid, the justices of the peace for the county in which such place is situated.

Expenses of local authority.

111. In Scotland, the local rate for defraying the expenses of the local authorities under this Act shall be—

(*a*) In any borough the police rate or assessment; and

(*b*.) In any harbour as aforesaid any moneys, fund, or rate applicable or leviable by the harbour authority for any harbour purpose; and

(*c*.) In any place other than a borough or harbour as aforesaid the county general assessment.

The rates or assessments in this sub-section mentioned, or any increase of any such rate or assessment, may, notwithstanding any limitation in any Act, be levied for the purposes of this Act.

Secretary of State empowered to declare police commissioners the local authority in certain cases.

112. The police commissioners of any burgh in Scotland, not being a burgh as defined by this Act, may, by order of a Secretary of State made upon the application of such commissioners and published in the Edinburgh Gazette, be declared to be a local authority for the purposes of this Act, and thereupon shall become the local authority accordingly for such part of their burgh as is not included in any harbour, to the exclusion of the justices of the peace for any county in which such burgh is situated: Provided that—

(*a*.) On such police commissioners becoming such local authority, the local rate for defraying their expenses under this Act shall be the police rate or assessment of the burgh; and

(*b*.) Such rate or assessment, or any increase thereof, may, notwithstanding any limitation in any Act, be levied for the purposes of this Act.

Local authority to have certain powers to take land otherwise than by agreement.

113. In Scotland, every local authority under this Act shall have and may exercise the same powers for the purchase and taking of lands otherwise than by agreement, for the purpose of erecting a gunpowder magazine thereon, that any local authority under "The Public Health (Scotland) Act, 1867," have

and may exercise under the provisions of section ninety of the said last-mentioned Act.

114. In Scotland, the following provisions shall have effect: **Provision for making and enforcing byelaws, &c.**

(*a.*) Where an obligation is laid by this Act on any harbour authority, company, or local authority to make or enforce any byelaws or to grant any license or to do anything, the Court of Session may, upon summary application by any corporation, harbour authority, or local authority, or party interested, compel such harbour authority, company, or local authority to discharge such obligation:

(*b.*) Every offence under this Act shall be prosecuted, every penalty recovered, and every forfeiture or order made at the instance of the Lord Advocate or of the procurator fiscal of the sheriff court:

(*c.*) The proceedings may be on indictment in the Court of Justiciary in Edinburgh or on circuit, or in the sheriff court, or may be taken summarily in the sheriff court under the provisions of the Summary Procedure Act, 1864, as the Lord Advocate shall direct:

(*d.*) All costs and moneys directed to be recovered as penalties may be recovered in the sheriff court at the instance of the procurator fiscal of that court, under the provisions of the Summary Procedure Act, 1864:

(*e.*) In Scotland, all penalties imposed in pursuance of this Act shall be paid to the clerk of the court imposing them, and shall by him be accounted for and paid to the Queen's and Lord Treasurer's Remembrancer, and be carried to the Consolidated Fund; and the proceeds of any sales of explosives or of the ingredients of explosives, or of the receptacles of explosives or their ingredients, or of any ship, boat, or carriage, forfeited and directed to be sold, or directed to be sold and disposed of as if the same were forfeited under this Act, shall be paid, accounted for, and applied in like manner as penalties under this Act:

(*f.*) In Scotland, every person found liable in any penalty or costs or to pay any money directed by this Act to be recovered as a penalty, shall be liable, in default of immediate payment, to imprisonment for a term not exceeding six months, or until such penalty, costs, or money shall be sooner paid.

115. Whereas upon that part of the estuary of the Clyde which lies below the jurisdiction of the Trustees of the Clyde Navigation (and which part is in this section referred to as the lower estuary of the Clyde) doubts have arisen as to the **Board of Trade empowered to make byelaws for the lower estuary of the**

Clyde: Secretary of State to define the authority for enforcing such byelaws.

limits of the several harbour authorities on that estuary, be it enacted, the Board of Trade may, if they think it expedient, make byelaws under this Act for the lower estuary of the Clyde as if it were a harbour and they were the harbour authority, and such byelaws shall be deemed to have been made by a harbour authority with the sanction of the Board of Trade; and they may by such byelaws define the area within which such byelaws are to be observed, and the Secretary of State shall have power to define the authority or authorities and officers by whom such byelaws are to be enforced and carried into effect within such area; and such authority or authorities and officers shall, for the purposes of this Act, other than making byelaws or assenting to a site for a new factory or magazine, have the same power within the said area as a harbour authority and an officer of a harbour authority have respectively under this Act in a harbour.

Application of Act to Ireland.

This Act shall apply to Ireland, with the following modifications; that is to say,

Definition of local authority.

116. The local authority for the purposes of this Act shall be—

(1.) In the city of Dublin, the Lord Mayor, aldermen, and burgesses acting by the town council:

(2.) In any urban sanitary district in which the powers, jurisdictions, and authorities of the grand jury of the county in which such district is situate are vested and exerciseable by the urban sanitary authority, except as hereafter in this section mentioned, the urban sanitary authority:

(3.) In any harbour within the jurisdiction of a harbour authority, whether situate or not within the jurisdiction of any local authority before in this section mentioned, the harbour authority, to the exclusion of any other local authority:

(4.) In any place in which there is no local authority as before in this section defined, the justices in petty sessions assembled.

The expressions "urban sanitary authority" and "urban sanitary district" have the same meanings respectively as in the Public Health, Ireland, Act, 1874.

Power of certain local bodies to become a local authority.

117. The urban sanitary authority of any district in Ireland which is not constituted a local authority by this Act may, by order of a Secretary of State made upon the application of such authority and published in the Dublin Gazette, be declared to be a local authority for the purposes of this Act, and thereupon shall become a local authority accordingly for such part of their district as is not included in any harbour, to the exclusion of the justices in petty sessions.

118. All expenses incurred by any local authority in carrying into effect the execution of this Act in Ireland, including the salary and expenses of any officer directed by them to act under this Act, shall be paid out of the local rate. The local rate shall for the purposes of this Act mean as follows; that is to say,

Expenses of local authority.

In the city of Dublin, the borough fund or borough rate;

In urban sanitary districts where the urban sanitary authority are the local authority, any fund, moneys, or rate applicable or leviable by such authority for any purposes of improvement within their district;

In harbours, any moneys, fund, or rate applicable or leviable by the harbour authority for any harbour purposes; and

In any place where the justices in petty sessions are the local authority, the poor rates:

And the local rate or any increase of the local rate may, notwithstanding any limitation in any Act, be levied for the purposes of this Act.

All expenses incurred in any petty sessions district which are by this Act payable out of poor rates shall be paid upon the written order of the local authority which shall have incurred the same by the treasurer of the poor law union, or the treasurers of the poor law unions within which such petty sessions district is situate, according to the terms of such order.

Where such petty sessions district is situate within two or more poor law unions, the local authority shall in making such order apportion the amount of such expenses fairly between such unions, according to the net annual value of the rateable property forming the parts of such petty sessions district situate within the same respectively.

All moneys by this Act made payable by the treasurer of any poor law union in respect of expenses incurred in any petty sessions district wholly or partly within such union by the local authority shall be paid by him out of the funds then lying in his hands to the credit of the guardians of such union, and such guardians shall in their account with the electoral divisions of such union, debit each electoral division wholly or partly within such petty sessions district with its proportion of the sum so paid by the treasurer according to the net annual value for the time being of the rateable property within such electoral division, and also within such petty sessions district.

119. The register of store licenses and of registered premises to be kept by the local authorities in Ireland shall be kept in such form and manner, and the fees for entries to be made therein shall (subject to the limits as to fees prescribed by this Act) be such as the Secretary of State shall from time to time approve.

Form of registers of store licenses and registered premises, and amount of fees, to be approved by Secretary of State.

Definitions.

120. In this Act with respect to Ireland—

The expression "police district" means—

(1.) The police district of Dublin metropolis; and

(2.) The town of Belfast; and

(3.) Elsewhere in Ireland, any district, whether city, town, or part of a county, over which is appointed a sub-inspector of the Royal Irish Constabulary.

The expression "chief officer of police" means—

(1.) In the police district of Dublin metropolis, the chief commissioner of police for the said district; and in his absence the assistant commissioner of police for the said district; and

(2.) In the town of Belfast, the town inspector, and in his absence the sub-inspector of the Royal Irish Constabulary acting for him; and

(3.) Elsewhere in Ireland, the sub-inspector of the Royal Irish Constabulary, and in his absence the head constable of such force acting for him.

The expression "the county court judge" means the judge of the civil bill court.

The expression "borough" means any place for the time being subject to the Act of the session of the third and fourth years of the reign of Her present Majesty, chapter one hundred and eight, intituled "An Act for the regulation of "municipal corporations in Ireland."

The expression "Summary Jurisdiction Acts" means, as regards the police district of Dublin metropolis, the Acts regulating the powers and duties of justices of the peace for such district, and elsewhere in Ireland, the Act of the session of the fourteenth and fifteenth years of the reign of Her present Majesty chapter ninety-three, intituled "An Act to consolidate "and amend the Acts regulating the proceedings of petty ses-"sions, and the duties of justices of the peace out of quarter "sessions in Ireland," and any Acts amending the same.

The expression "court of summary jurisdiction" means any justice or justices of the peace, or other magistrate or officer, by whatever name called, to whom jurisdiction is given by the Summary Jurisdiction Acts or any Acts therein referred to.

Application of penalties in Ireland.

121. Except as by this Act expressly provided, all penalties imposed under this Act in Ireland shall be applied in manner directed by the Fines (Ireland) Act, 1851, and any Acts amending the same.

Repeal of Acts.

Repeal of certain Acts and part of Act in 4th and 5th schedules.

122. The Acts specified in the fourth schedule to this Act are hereby repealed from and after the commencement of this Act, and the Act specified in the fifth schedule to this Act is hereby repealed from and after the commencement of this Act to the extent in the third column of that schedule mentioned.

Provided that—

(1.) The enactments hereby repealed shall continue in force—

For the purpose of any business or thing which any person is authorised to carry on or do in like manner as if this Act had not passed, for the time during which such business or thing is authorised to be carried on or done; and

(2.) Any rules made in pursuance of any enactment hereby repealed, for the purpose of regulating the conduct of servants and workmen employed in any mill, magazine, or place, shall continue in force, and the penalties under the said enactments for a breach of such rules may be enforced, until the expiration of three months after the grant of a continuing certificate under this Act to the occupier of such mill, magazine, or place, and such further period as the Secretary of State may by order direct, for the purpose of enabling such occupier to make special rules under this Act; and

(3.) This repeal shall not affect—

(*a.*) The past operation of any enactment hereby repealed, nor anything duly done or suffered under any enactment hereby repealed; or

(*b.*) Any right, privilege, obligation, or liability acquired, accrued, or incurred under any enactment hereby repealed; or

(*c.*) Any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment hereby repealed; or

(*d.*) Any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid; and any such investigation, legal proceeding, and remedy may be carried on as if this Act had not passed; and

(4.) This repeal shall not revive any enactment, right, privilege, matter, or thing not in force or existing at the commencement of this Act.

SCHEDULES.

FIRST SCHEDULE.

PART ONE.

Gunpowder Factories.

REGULATIONS which are to form part of the terms of every continuing certificate of a factory for gunpowder.

(1.) The quantity of gunpowder or ingredients to be made into gunpowder to be at one time under any single pair of mill

stones or rollers or runners shall not exceed fifty pounds as respects sporting and Government powder, and sixty pounds as respects all inferior powders; and every incorporating mill or group of incorporating mills shall be provided with a charge house for the store of mill charges properly constructed of stone or brick, and situate at a safe and suitable distance from each incorporating mill or group of incorporating mills.

(2.) The quantity of gunpowder to be subjected to pressure at one time in any press house shall not exceed ten hundredweight.

(3.) The quantity of gunpowder to be corned or granulated at one time in any corning or granulating house shall not exceed twelve hundredweight.

(4.) The quantity of gunpowder to be dried at one time in one stove or place used for the drying of gunpowder shall not exceed fifty hundredweight.

(5.) The respective quantities to be at any one time in any press house or corning or granulating house shall not exceed twice the respective quantities hereby allowed to be subjected to pressure and to be corned or granulated at one time; and the quantity to be at any one time in any drying house or dusting house shall not be more than is necessary for the immediate supply and work of such house; and for the purposes of this provision any building used with any such press house, corning or granulating house, drying house or dusting house, shall be deemed part thereof, save only magazines constructed with stone or brick and situate forty yards at least from every such press house or other house as aforesaid (herein-after distinguished as expense magazines), and save only the stove in which the powder which has been dried may be cooling.

(6.) Every person keeping or using any mill for the making of gunpowder shall have (in addition to the expense magazines) a good and sufficient factory magazine or magazines, situate (unless otherwise authorised by a certificate of the Secretary of State under the Gunpowder Act, 1860) at least one hundred and forty yards distant from the mill or mills and every press house and other house or place used for or in the making of gunpowder, such magazine or magazines to be well and substantially built with brick or stone, and situate in such place as may have been lawfully used or duly licensed by justices before the commencement of the Gunpowder Act, 1860, and not made unlawful by that Act, or may have been after the commencement of that Act duly licensed under the Gunpowder Act, 1860.

(7.) No maker of gunpowder shall keep or permit to be kept any charcoal within twenty yards of any mill or other engine for making gunpowder, or of any press house, or drying, corning, or dusting house or other place used in or for the making of gunpowder, or any magazine or storehouse thereto belonging.

PART TWO.

Gunpowder Stores.

REGULATIONS which are to form part of the terms of every continuing certificate for a gunpowder store.

(1.) The store shall be exclusively for the use of a mine, quarry, colliery, or factory for safety fuzes.

(2.) The amount of gunpowder in the store shall not exceed, if the store is well and substantially built of brick or stone, four thousand pounds, and in any other case three hundred pounds.

(3.) Where the amount of gunpowder in the store exceeds three hundred pounds, such store shall, unless otherwise authorised before the passing of this Act by a certificate of the Secretary of State, be within two hundred yards of the mine, quarry, colliery, or factory for safety fuzes, or one of the mines, quarries, collieries, or factories for safety fuzes for the use of which such gunpowder is kept, and not within two hundred yards of any inhabited house without the consent in writing of the occupier of such house.

(4.) Where such certificate has been given, the conditions on which it was given shall be duly observed as if they were contained in this schedule.

(5.) Where the amount of gunpowder does not exceed three hundred pounds, the store shall be within two hundred yards of the mine, quarry, colliery, or factory for the use of which it is erected, and unless it was erected and used for the said purpose before the passing of the Gunpowder Act, 1860, shall not be within two hundred yards from any inhabited house without the consent in writing of the occupier of such house.

(6.) The store shall not be within the city of London or Westminster or within three miles of either of them, or within any borough or market town or one mile of the same, or within two miles of any palace or house of residence of Her Majesty, her heirs and successors, or within two miles of any gunpowder magazine belonging to the Crown, or within half a mile of any parish church.

SECOND SCHEDULE.

ARBITRATION.

With respect to arbitrations under this Act, the following provisions shall have effect:

Provisions as to arbitrations.

(1.) The parties to the arbitration are in this section deemed to be the occupier of the factory, magazine, or store on the one hand, and on the other the Government inspector (on behalf of the Secretary of State):

(2.) Each of the parties to the arbitration may, within twenty-one days after the date of the reference, appoint an arbitrator:

(3.) No person shall act as arbitrator or umpire under this Act who is employed in or in the management of or is directly or indirectly interested in the manufacture, trade, factory, magazine, store, business, or premises to which the arbitration relates, or is in any manner interested directly or indirectly in the matter to which the arbitration relates:

(4.) The appointment of an arbitrator under this section shall be in writing, and notice of the appointment shall be forthwith sent to the other party to the arbitration, and shall not be revoked without the consent of such other party:

(5.) The death, removal, or other change in any of the parties to the arbitration shall not affect the proceedings under this section:

(6.) If within the said twenty-one days either of the parties fail to appoint an arbitrator, the arbitrator appointed by the other party may proceed to hear and determine the matter in difference, and in such case the award of the single arbitrator shall be final:

(7.) If before an award has been made any arbitrator appointed by either party die or become incapable to act, or for fourteen days refuse or neglect to act, the party by whom such arbitrator was appointed may appoint some other person to act in his place; and if he fail to do so within fourteen days after notice in writing from the other party for that purpose, the remaining arbitrator may proceed to hear and determine the matters in difference, and in such case the award of such single arbitrator shall be final:

8.) In either of the foregoing cases where an arbitrator is empowered to act singly, upon one of the parties failing to appoint, the party so failing may, before the single arbitrator has actually proceeded in the arbitration, appoint an arbitrator, who shall then act as if no failure had been made:

(9.) If the arbitrators fail to make their award within twenty-one days after the day on which the last of them was appointed, or within such extended time (if any) as may have been appointed for that purpose by both arbitrators under their hands, the matter in difference shall be determined by the umpire appointed as herein-after mentioned:

(10.) The arbitrators, before they enter upon the matters referred to them, shall appoint by writing under their hands an umpire to decide on points on which they may differ:

(11.) If the umpire die or become incapable to act before he has made his award, or refuses to make his award within a reasonable time after the matter has been brought within his cognizance, the persons or person who appointed such umpire shall forthwith appoint another umpire in his place:

(12.) If the arbitrators refuse or fail or for seven days after the request of either party neglect to appoint an umpire, then on the application of either party an umpire shall be appointed by the chairman of the quarter sessions of the peace within the jurisdiction of which the factory, magazine, or store is situate:

(13.) The decision of every umpire on the matters referred to him shall be final:

(14.) If a single arbitrator fail to make his award within twenty-one days after the day on which he was appointed, the party who appointed him may appoint another arbitrator to act in his place:

The arbitrator and their umpire or any of them may examine the parties and their witnesses on oath, they may also consult any counsel, engineer, or scientific person whom they may think it expedient to consult:

(15.) The payment, if any, to be made to any arbitrator or umpire for his services shall be fixed by the Secretary of State, and together with the costs of the arbitration and award shall be paid by the parties, or one of them, according as the award may direct. Such costs may be taxed by a master of one of the superior courts, who, on the written application of either of the parties, shall ascertain and certify the proper amount of such costs. The amount, if any, payable by the Secretary of State shall be paid as part of the expenses of inspectors under this Act. The amount, if any, payable by any other party may in the event of nonpayment be recovered in the same manner as penalties under this Act.

THIRD SCHEDULE.

Maximum Fees for Licenses granted by the Secretary of State.

Factory license, original - - -	Ten pounds.
Do., amending - - -	Five pounds.
Do., renewal when lost - -	Five shillings.
Magazine license, original - - -	Ten pounds.
Do., amending - - -	Five pounds.
Do., renewal when lost - -	Five shillings.
Importation license, first grant - -	One pound.
Do., renewal - - -	Ten shillings.
Continuing certificate - - -	Forty shillings.

FOURTH SCHEDULE.

Session and Chapter.	Title.
23 & 24 Vict. c 139. -	An Act to amend the law concerning the making, keeping, and carriage of gunpowder and compositions of an explosive nature, and concerning the manufacture, sale, and use of fireworks.
24 & 25 Vict. c. 130. -	An Act for amending an Act passed in the last session of Parliament to amend the law concerning the making, keeping, and carriage of gunpowder and compositions of an explosive nature, and concerning the manufacture, sale, and use of fireworks.
25 & 26 Vict. c 98. -	An Act for the amendment of an Act of the session of the twenty-third and twenty-fourth years of the reign of Her present Majesty, chapter one hundred and thirty-nine, intituled An Act to amend the law concerning the making, keeping, and carriage of gunpowder and compositions of an explosive nature, and concerning the manufacture, sale, and use of fireworks, and of an Act amending the last-mentioned Act.
29 & 30 Vict. c. 69. -	An Act for the amendment of the law with respect to the carriage and deposit of dangerous goods.
32 & 33 Vict. c. 113. -	An Act to prohibit for a limited time the importation and to restrict and regulate the carriage of nitro-glycerine.

FIFTH SCHEDULE.

Session and Chapter.	Abbreviated Title.	Extent of Repeal.
26 & 27 Vict. c. 65. -	The Volunteer Act, 1863	Section twenty-six from "all exemptions contained in the Gunpowder Act, 1860," inclusive, to the end of the section.

CHAPTER 18.

An Act to provide for the establishment of a Close Time in the Seal Fishery in the Seas adjacent to the eastern coasts of Greenland. [14th June 1875.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Application of Act by Order in Council in conjunction with foreign states.

1. When it appears to Her Majesty in Council that the foreign states whose ships or subjects are engaged in the seal fishery in the area mentioned in the schedule to this Act, or any part of such area, have made or will make with respect to their own ships and subjects the like provisions to those contained in this Act, it shall be lawful for Her Majesty, by Order in Council, to direct that this Act shall, after the date mentioned in the Order, apply to the seal fishery within the said area, or such part thereof as may be specified in the Order.

Her Majesty may, by the same or any subsequent Order, limit the operation of the Order, and render the operation thereof subject to such conditions, exceptions, and qualifications as may be deemed expedient.

So long as an Order under this section remains in force this Act shall, subject to any such limitation, condition, exemption, or qualification as aforesaid, apply to the seal fishery within the said area, or such part as may be specified in the Order.

Her Majesty may from time to time, by Order in Council, rescind, alter, or add to any Order made in pursuance of this section, and make a new Order in lieu thereof.

Every Order in Council made in pursuance of this section shall be laid before both Houses of Parliament within six weeks after it is made, or if Parliament be not then sitting, within six weeks after the then next meeting of Parliament, and shall also be published in the London Gazette.

2. When an Order in Council has been made for applying this Act, then, so long as such Order remains in force, the master or person in charge of or any person belonging to any British ship, or any British subject, shall not kill or capture or attempt to kill or capture any seal within the area mentioned in the schedule to this Act, or the part of the area specified in the Order, before such day in any year as may be fixed by the Order, and the master or person in charge of a British ship shall not permit such ship to be employed in such killing or capturing, or permit any person belonging to such ship to act in breach of this section. Close time for seal fishery.

Any person who is guilty of any breach (by any act or default) of this section shall be liable to a penalty not exceeding five hundred pounds for each offence.

3. Every offence under this Act may be prosecuted and every penalty under this Act may be recovered— Prosecution of offences.

(1.) In England, before two justices of the peace in a summary manner, or by action in any of Her Majesty's superior courts at Westminster, together with full costs of suit; and

(2.) In Scotland, by action as for a debt in the ordinary sheriff court or in the court of session; and

(3.) In Ireland, before two justices of the peace in a summary manner, or by personal action in any of Her Majesty's superior courts at Dublin.

Provided that the penalty imposed in a summary manner by two justices shall not exceed one hundred pounds, exclusive of costs.

One half of every penalty recovered under this Act shall be paid to the person who prosecuted the offence or sued for such penalty.

For all purposes of and incidental to the trial and punishment of any person accused of an offence under this Act, and the proceedings and matters preliminary and incidental to and consequential on his trial and punishment, and for all purposes of and incidental to the jurisdiction of any court or of any constable or officer with reference to such offence, the offence shall be deemed to have been committed either in the place in which it was actually committed or in any place in which the offender may for the time being be found.

4. Where an offence under this Act is committed, then— Liability of owner and master of ship in certain cases.

(*a.*) If the same is committed by the fault or with the connivance of the master of any ship, that master, and—

(*b.*) If the same is committed by the fault or with the connivance of the owner of any ship, that owner—

shall be liable to the like penalty to which the person committing such offence is liable under this Act.

5. Where the owner or master of a ship is adjudged to pay a penalty for an offence under this Act, the court may, in Liability of ship to penalty.

addition to any other power they may have for the purpose of compelling payment of such penalty, direct the same to be levied by distress or arrestment and sale of the said ship and her tackle.

Definition of "seal."

6. In this Act the expression "seal" means the harp or saddleback seal, the bladdernosed or hooded seal, the ground or bearded seal, and the floe seal or floe rat, and includes any animal of the seal kind which may be specified in that behalf by an Order in Council under this Act.

Short title.

7. This Act may be cited as the Seal Fishery Act, 1875.

SCHEDULE.

Area to which Act applies.

The area included between the parallels of sixty-seven degrees and seventy-five degrees of North Latitude, and between the meridians of five degrees East and seventeen degrees West Longitude, reckoned from the meridian of Greenwich.

CHAPTER 19.

An Act for making perpetual the Bishops Resignation Act, 1869. [14th June 1875.]

32 & 33 Vict. c. 111.

WHEREAS by section sixteen of the Bishops Resignation Act, 1869, it is enacted that that Act shall remain in force for two years, and further until the end of the then next ensuing session of Parliament:

And whereas the said Act was continued for three years from the end of the session of Parliament in the year one thousand eight hundred and seventy-two, and if Parliament should be then in session until the end of that session:

And whereas it is expedient that the said Act should be made perpetual:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Perpetuation of 32 & 33 Vict. c. 111.

1. Section sixteen of the Bishops Resignation Act, 1869, is hereby repealed, and that Act shall be perpetual.

CHAPTER 20.

An Act to amend the Laws relating to the Justices of the Police District of Dublin Metropolis. [14th June 1875.]

WHEREAS under the provisions of certain Acts, that is to say, the Act of the Session of Parliament held in the

third and fourth years of the reign of Her present Majesty, chapter one hundred and eight, the Act of the Session of Parliament held in the seventh and eighth years of the reign of Her present Majesty, chapter one hundred and seven, the Act of the Session of Parliament held in the fourteenth and fifteenth years of the reign of Her present Majesty, chapter fifty-seven, and the Act of the Session of Parliament held in the sixteenth and seventeenth years of the reign of Her present Majesty, chapter fifty-five (in this Act referred to as the "said Acts"), it is enacted that any person appointed to any of the offices in the said Acts respectively mentioned shall be a practising barrister-at-law, who shall not at the time of his appointment have retired from practice:

And whereas it is expedient to amend the said provisions, and to authorise the appointment of justices of the police district of Dublin Metropolis to any of such offices:

And whereas there are now five justices of the police district of Dublin Metropolis, and it is expedient to provide in case the Lord Lieutenant, in pursuance of the provisions of the Dublin Police Act, 1859, shall reduce the number of the said justices to four, that the salaries of all or any of such four justices may be increased in manner by this Act prescribed:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as "The Dublin Justices Act, 1875."

Divisional justices qualified to hold certain offices.

2. A barrister-at-law shall not be deemed to have retired from practice within the meaning of the provisions of the said Acts by reason of his having been appointed and having acted as a justice of the police district of Dublin Metropolis.

Increase of salary to divisional justices when number reduced to four.

3. Whenever the number of justices of the police district of Dublin Metropolis shall not exceed four, it shall be lawful for the Lord Lieutenant, or other chief governor or governors of Ireland, with the approval of the Commissioners of Her Majesty's Treasury, to raise the salary of any of the said justices, or the salaries of any two or more of the said justices, to such sum or sums as he shall think fit; provided that the total amount of all the salaries of such justices shall not exceed the gross amount now authorised by law to be paid by way of salaries to all such justices respectively.

CHAPTER 21.

An Act for amending the Law relating to Houses of Public Dancing, Music, or other Public Entertainment of the like kind, in the Cities of London and Westminster. [14th June 1875.]

WHEREAS by an Act of the twenty-fifth year of the reign of His late Majesty King George the Second, chapter thirty-six, intituled "An Act for the better preventing thefts "and robberies, and for regulating places of public entertain-"ment, and punishing persons keeping disorderly houses," it is provided that any house, room, garden, or other place kept for public dancing, music, or other public entertainment of the like kind, in the cities of London and Westminster, or within twenty miles thereof, without a license had for that purpose from the last preceding Michaelmas quarter sessions of the peace to be holden for the county, city, riding, liberty, or division in which such house, room, garden, or other place is situate (who are hereby authorised and empowered to grant such licenses as they in their discretion shall think proper), signified under the hands and seals of four or more of the justices there assembled, shall be deemed a disorderly house or place; and it is further, amongst other things, provided by section three of the said Act that no such house, room, garden, or other place kept for any of the said purposes, although licensed as aforesaid, shall be open for any of the said purposes before the hour of five in the afternoon:

25 G. 2 c. 36.

And whereas it is expedient to amend the said Act as hereinafter mentioned:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Amendment of section 3 of 25 Geo. 2. c. 36.

1. Section three of the recited Act shall be construed as if, instead of the proviso, "that no such house, room, garden, or "other place kept for any of the said purposes, although "licensed as aforesaid, shall be open for any of the said pur-"poses before the hour of five in the afternoon," there were substituted the proviso, "that no such house, room, garden, or "other place kept for any of the said purposes, although "licensed as aforesaid, shall be open for any of the said pur-"poses before the hour of noon."

Provided, that if on any special occasion an occasional license of exemption shall have been granted under the twenty-ninth section of the Licensing Act, 1872, in respect of any house, room, garden, or other place licensed under the recited Act, no penalty or forfeiture shall be incurred for contravention of section three of the recited Act, as hereby amended, on account of such house, room, garden, or other

place being kept open for any of the purposes aforesaid on such special occasion from midnight until the hour specified in such occasional license as the hour for closing.

2. This Act shall be deemed to have come into operation on the twenty-ninth of September one thousand eight hundred and seventy-four, and all proceedings now pending for forfeitures or penalties on account of any breach of either of the conditions mentioned in section three of the recited Act shall be forthwith stayed, and no proceedings shall be instituted for any forfeiture or penalty on account of any such breach committed before the passing of this Act. Commencement of Act.

3. This Act may be cited as The Public Entertainments Act, 1875. Short title.

CHAPTER 22.

An Act for the further regulation of the Duties on Postage, and for other purposes relating to the Post Office. [14th June 1875.]

WHEREAS under the Post Office Duties Acts, 1840 to 1871, divers powers are given to the Treasury of fixing by warrant the rates of British, foreign, and colonial postage:

And whereas, by a treaty made at Berne on the ninth day of October one thousand eight hundred and seventy-four, and detailed regulations made under it, various stipulations and regulations have been made with respect to the duties on postage and other matters connected with the exchange by post with foreign countries of letters, post cards, books, newspapers, and other printed papers, patterns of merchandise, and legal and commercial documents:

And whereas such treaty and regulations cannot be carried into effect except by the authority of Parliament, and it is expedient to give such authority, and to comprise in one Act the powers of the Treasury in relation to fixing the rates of postage:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The Treasury may from time to time by warrant fix the rates of postage or other sums to be charged by or under the authority of the Postmaster General in respect of postal packets, or any description thereof, conveyed or delivered for conveyance by post, whether in the United Kingdom or elsewhere, or liable under the Acts mentioned in Part Two of the schedule to this Act to be charged with rates of postage or other sums, and regulate the scale of weights and the Power of Treasury by warrant to fix the rates of postage.

circumstances according to which such rates or sums are to be charged, and the power of the Postmaster General, with or without the consent of the Treasury, to remit any such rates or sums: Provided that—

(1.) The lowest rate of postage for an inland letter shall not be less than one penny; and

(2.) The highest rate of postage when prepaid—

(*a.*) For an inland post card shall not exceed one halfpenny; and

(*b.*) For an inland book packet shall not exceed one halfpenny for every two ounces in weight, or for any fractional part of two ounces over and above the first or any additional two ounces; and

(*c.*) For each inland registered newspaper, whether with or without a supplement or supplements, and whether single or in a packet of two or more, shall not exceed one halfpenny; but

(*d.*) The prepaid postage for an inland packet of two or more registered newspapers, with or without a supplement or supplements, shall not exceed the prepaid postage for an inland book packet of the same weight; and

(3.) The highest rate of prepaid postage on a single newspaper sent by post between the United Kingdom and places out of the United Kingdom, or between places out of the United Kingdom, whether through the United Kingdom or not, shall not exceed threepence, exclusive of any additional charge made by any of Her Majesty's colonies or any foreign country.

A warrant under this section may, subject to the limitations above contained, revoke and alter any existing rate of postage or other sums and any existing warrant and regulations made under any of the Acts mentioned in Part Two of the schedule to this Act, but so far as it does not revoke or alter the same any existing rate of postage or sum may continue to be charged, and any such existing warrant or regulations shall continue in force.

Power of Treasury to carry into effect postal arrangements with foreign countries.

2. Where an arrangement has, either before or after the passing of this Act, been made by Her Majesty with any foreign country with respect to the conveyance by post of any postal packet between the United Kingdom, and places out of the United Kingdom, or between places out of the United Kingdom, whether through the United Kingdom or not, the Treasury may by warrant from time to time make such regulations as may seem to them necessary for carrying into effect such arrangement, and the Treasury may from time to

time make provisions as to charges for the transit of postal packets, single or in bulk, and the scale of weights to be adopted, and the accounting for and paying over to any foreign country of any moneys received by the Postmaster General.

Registry of and giving receipts for postal packets

3. The Treasury may from time to time by warrant made on the representation of the Postmaster General make regulations with respect to the registration of and giving receipts for any postal packet, and the sum to be paid in addition to any other rate of postage for the registration of or the giving a receipt for such packet.

The registration of or giving a receipt for a postal packet shall not render the Postmaster General or the Post Office revenue in any manner liable for the loss of any such packet or the contents thereof.

Regulations as to postal packets.

4. All postal packets shall be posted, forwarded, conveyed, and delivered, subject to such regulations, conditions, prohibitions, and restrictions respecting the time and mode of posting and delivery, and of the payment of rates of postage and other sums chargeable under this Act, or any warrant made under this Act, and respecting stamps, covers, form, dimensions, maximum weight, enclosures, the use of packets (other than letters) for making communications, and otherwise as the Treasury may from time to time by warrant made on the representation of the Postmaster General direct.

If any postal packet is posted or sent in contravention of any warrant for the time being in force under this section, the Postmaster General and any officer of the Post Office shall have the same power in respect thereof as he has in relation to any letter posted or sent contrary to the regulations of any of the Acts mentioned in Part Two of the schedule of this Act.

A warrant under this section may revoke and alter any existing regulations made under any of the Acts mentioned in Part Two of the schedule to this Act, but so far as it does not revoke or alter the same any such existing regulations shall continue in force.

Decision as to postal packets.

5. If any question arises whether any postal packet is a letter, post card, newspaper, supplement, book packet, circular, or other description of postal packet within the meaning of this Act, or any warrant made under this Act, the decision thereon of the Postmaster General shall be final, save that the Treasury may, if they think fit, on the application of any person interested, reverse or modify the decision, and order accordingly.

Provision for stamps, &c.

6. The rates of postage and other sums payable in pursuance of this Act or any warrant made under this Act shall be deemed to be duties on postage granted by the Post Office Acts.

The Commissioners of Inland Revenue shall from time to time provide proper dies and other implements for denoting by adhesive or embossed or impressed stamps or otherwise such duties of postage.

Those duties shall be deemed stamp duties, and shall be under the management of the Commissioners of Inland Revenue.

3 & 4 Vict. c. 96.

So much of the Post Office (Duties) Act, 1840, as relates to stamp duties under that Act shall apply to the stamp duties under this Act.

A postal packet sent by post and the cover thereof (if any) shall be deemed a letter or cover (as the case may be) within section twenty-three of the Post Office (Duties) Act, 1840.

3 & 4 Vict. c. 96.

Saving for letters of seamen and soldiers.

7. A Treasury warrant under this Act with respect to the rates of postage shall not increase the rate of postage at which the seamen and soldiers mentioned in section fifty-three of the Post Office (Duties) Act, 1840, and other persons connected with the army or navy, are, at the passing of this Act, privileged to send and receive letters, subject to the conditions in the said Act mentioned.

A Treasury warrant under this Act with respect to the rates of postage shall, if necessary, provide for the delivery to the officers, seamen, and soldiers mentioned in the Post Office (Duties) Act, 1860, of letters free of the postage chargeable on the re-direction thereof as mentioned in the said Act.

23 & 24 Vict. c. 65. s. 1.

Postage mark to be evidence of amount of postage.

8. The official mark of any sum on any postal packet as due to the Post Office, British, colonial, or foreign, in respect of that packet, shall in every part of Her Majesty's dominions be received as evidence of the liability of such packet to the sum so marked, and such sum shall be recoverable in any part of Her Majesty's dominions as postage due to Her Majesty, and sections twelve, thirteen, and fourteen of the Post Office Duties Act, 1847, (which relate to the charging on the sender and the recovery of postage,) shall apply as if the expression "letter" in those sections included a postal packet.

Warrant of Treasury.

9. A warrant of the Treasury under this Act shall be deemed an order within the meaning of the Documentary Evidence Act, 1868.

The Treasury may from time to time by a warrant revoke or vary any warrant under this Act.

Every warrant of the Treasury under this Act may be under the hands of two of the Commissioners of Her Majesty's Treasury, and shall be published in the London Gazette, and shall within one month after the making thereof be laid before both Houses of Parliament, if Parliament be then sitting, or if not, within fourteen days after the then next meeting of Parliament.

10. The expression "postal packet" in this Act means a letter, post card, newspaper, book packet, pattern or sample packet, circular, legal and commercial document, packet of photographs, and every packet or article which is not for the time being prohibited by or in pursuance of the Post Office Acts from being sent by post. **Definition of "postal packet."**

Every postal packet shall be deemed to be a post letter within the meaning of the Act described in Part One of the schedule to this Act.

11. In this Act— **Definitions.**

The expression "the Treasury" means the Commissioners of Her Majesty's Treasury.

The expression "inland" when used in relation to any postal packet or any description thereof means posted within the United Kingdom, and addressed to some place in the United Kingdom.

The expression "existing" means existing at the passing of this Act.

This Act shall be deemed to be one of the Post Office Acts within the meaning of the Act described in Part One of the schedule to this Act.

12. For the purposes of this Act, the Channel Islands and the Isle of Man shall be deemed parts of the United Kingdom. **Channel Islands and Isle of Man.**

13. This Act may be cited as The Post Office Act, 1875; the Acts mentioned in Part Two of the schedule to this Act and this Act may be cited together as "The Post Office (Duties) Acts, 1840 to 1875," and each of the first four of the said Acts may be cited as the Post Office (Duties) Act of the year in which it was passed. **Short title.**

14. So much of the Post Office Duties Acts, 1840 to 1871, or of any warrant or regulations made thereunder, as is inconsistent with this Act or with any warrant made under this Act, or as is expressed by any such warrant to be repealed, shall be repealed as from the date at which this Act or the warrant made under this Act, as the case may be, with which it is so inconsistent or by which it is expressed to be repealed, come into operation: **Repeal of Acts.**

Provided that such repeal shall be without prejudice to anything previously done or suffered, or to any right or obligation previously acquired, incurred, or accrued, and any legal proceeding or remedy in respect of any such right or obligation may be had in like manner as if such repeal had not been made.

SCHEDULE.

PART I.

Act referred to.

Session and Chapter.	Title of Act.
7 Will. 4. & 1 Vict. c. 36.	An Act for consolidating the laws relative to offences against the Post Office of the United Kingdom, and for regulating the judicial administration of the Post Office laws, and for explaining certain terms and expressions employed in those laws.

PART II.

Post Office (Duties) Acts.

Session and Chapter.	Title or abbreviated title of Act.
3 & 4 Vict. c. 96. -	An Act for the regulation of the duties of Postage.
10 & 11 Vict. c. 85. -	An Act for giving further facilities for the transmission of Letters by Post and for the regulating the duties of Postage thereon, and for other purposes relating to the Post Office.
7 & 8 Vict. c. 49. -	An Act for the better regulation of Colonial Posts.
23 & 24 Vict. c. 65. -	An Act to authorize the Commissioners of the Treasury to further regulate the postage on redirected letters of commissioned and warrant officers, seamen, and soldiers whilst on actual service.
33 & 34 Vict. c. 79. -	The Post Office Act, 1870.
34 & 35 Vict. c. 30. -	The Post Office (Duties) Act, 1871.

CHAPTER 23.

An Act to grant certain Duties of Customs and Inland Revenue, to alter other Duties, and to amend the Laws relating to Customs and Inland Revenue. [14th June 1875.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, towards raising the necessary supplies to defray Your Majesty's public expenses, and making an addition to the public revenue, have freely and voluntarily resolved to give and grant unto Your Majesty

the several duties herein-after mentioned, and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as "The Customs and Inland Revenue Act, 1875." Short title.

PART I.

CUSTOMS.

2. The duties of customs now charged on tea shall continue to be levied and charged on and after the first day of August one thousand eight hundred and seventy-five until the first day of August one thousand eight hundred and seventy-six on importation into Great Britain or Ireland; (that is to say,) Grant of customs duties on tea.

Tea, the lb. - - - - 6*d.*

PART II.

TAXES.

3. There shall be charged, collected, and paid for the year commencing on the sixth day of April one thousand eight hundred and seventy-five, in respect of all property, profits, and gains mentioned or described as chargeable in the Act of the sixteenth and seventeenth years of Her Majesty's reign, chapter thirty-four, the following duties of income tax; (that is to say,) Grant of duties of income tax.

For every twenty shillings of the annual value or amount of property, profits, and gains chargeable under Schedules (A.), (C.), (D.), or (E.) of the said Act, the duty of twopence;

And for every twenty shillings of the annual value of the occupation of lands, tenements, hereditaments, and heritages chargeable under Schedule (B.) of the said Act—

In England, the duty of one penny;

In Scotland and Ireland respectively, the duty of three farthings.

4. All such provisions contained in any Act relating to income tax as were in force on the fifth day of April one thousand eight hundred and seventy-five shall have full force and effect, with respect to the duties of income tax granted by this Act, so far as the same shall be consistent with the provisions of this Act; and for the purposes of this Act the year one thousand eight hundred and sixty-two, mentioned in the forty-third section of the Act of the twenty-fifth and twenty-sixth years of Her Majesty's reign, chapter twenty- Provisions of Income Tax Acts to apply to duties hereby granted.

two, shall be read as and deemed to mean the year one thousand eight hundred and seventy-five.

Provisions of Income Tax Acts to apply to duties to be granted for succeeding year.

5. In order to insure the collection in due time of any duties of income tax which may be granted for the year commencing on the sixth day of April one thousand eight hundred and seventy-six, all such provisions contained in any Act relating to the duties of income tax, other than this Act, as are in force on the fifth day of April one thousand eight hundred and seventy-six shall have full force and effect, with respect to the duties of income tax which may be so granted, in the same manner as if the said duties had been actually, granted and the said provisions had been applied thereto by an Act of Parliament passed on that day; and the surveyors of taxes acting in the metropolis, as defined by "The Valuation (Metropolis) Act, 1869," shall be the assessors for the duties to be granted and payable under Schedules (A.) and (B.) of the said Act of the sixteenth and seventeenth years of the reign of Her Majesty, chapter thirty-four, upon any property in the said metropolis, and shall also be the assessors for the duties on inhabited houses in the said metropolis; and in lieu of the poundage granted by the several Acts in that behalf, to be divided between the assessors and collectors for such duties respectively in the said metropolis, there shall be paid a poundage of three halfpence to the said collectors thereof.

Assessment of income tax under Schedules (A.) and (B.), and of the inhabited house duties, for the year 1875-76.

6. With respect to the assessment of the duties of income tax hereby granted under Schedules (A.) and (B.), in respect of property elsewhere than in the metropolis, as defined by "The Valuation (Metropolis) Act, 1869," and of the duties on inhabited houses elsewhere than in the said metropolis, for the year commencing on the sixth day of April one thousand eight hundred and seventy-five, the following provisions shall have effect:

(1.) The inspectors or surveyors of taxes shall be the assessors for the said duties, and in lieu of the poundage by law granted to be divided between the assessors and collectors in regard to such duties there shall be paid a poundage of three halfpence to the collectors thereof.

(2.) The sum charged as the annual value of any property in the assessment of income tax thereon for the year which commenced on the sixth day of April one thousand eight hundred and seventy-four, and the sum charged as the annual value of every inhabited house in the assessment made thereon for the same year, shall be taken as the annual value of such property or of such inhabited house for the assessment and charge thereon of the duties of income tax hereby granted, or of inhabited house duty, to all

intents and purposes as if such sum had been estimated to be the annual value in conformity with the provisions in that behalf contained in the Acts relating to income tax and the duties on inhabited houses respectively.

(3.) The commissioners executing the said Acts shall for each place within their district cause duplicates of the assessments to be made out and delivered to the collectors, together with the warrants for collecting the same.

(4.) The commissioners executing the said Acts in England shall for each place within their district appoint such persons, being inhabitants of the place, as they shall think fit, to be collectors of the duties in like manner as if such persons had been presented to them by assessors in conformity with the said Acts.

PART III.

EXCISE.

Grant of duties on licences to brewers.

7. In lieu of the duties payable on licences to brewers of beer for sale (other than brewers of spruce or black beer) there shall be charged, collected, and paid on such licences to be taken out, on and after the first day of October one thousand eight hundred and seventy-five, the following duties; (that is to say,)

	£	s.	d.
For and upon every licence to be taken out yearly by any brewer of beer for sale:			
If the quantity of beer brewed within the year ending the thirtieth day of September next preceding does not exceed fifty barrels, the duty of - -	0	12	6
If the same exceeds fifty barrels, then for every fifty barrels and for any fractional part or number of an entire quantity of fifty barrels, the duty of - -	0	12	6
And for and upon every licence to be taken out by any person who first becomes a brewer, the duty of - - -	0	12	6

And there shall also be charged upon and paid by the last-mentioned person in respect of his licence such further sum as with the said duty of twelve shillings and sixpence shall amount to the duty which would be chargeable on a licence for a quantity of beer equal to the quantity brewed by him during the existence of his licence, and such further sum shall be paid within ten days next after the expiration of the licence.

Alteration of duties on medicine licences.

8. In lieu of the duties of excise now payable by law upon or in respect of the licences to be taken out yearly in any part of Great Britain by the owners, proprietors, makers, and compounders of, and persons uttering, vending, or exposing to sale or keeping ready for sale any medicine liable to stamp duty, there shall be paid for each such licence—

The duty of - - - £0 5 0

Wine dealers licence to include sweets.

9. A licence to a dealer in foreign wine, or to a retailer thereof, shall be granted so as to extend to the sale of any kind of sweets, or made wines, or mead, or metheglin in any quantity, without the payment of any further duty than such as is chargeable on a licence to a dealer in foreign wine, or to a retailer thereof.

Warehousing upon drawback of tinctures or medicinal spirits.

10. Subject to any regulations which may be from time to time made by the Commissioners of Customs and the Commissioners of Inland Revenue respectively, tinctures or medicinal spirits may be warehoused upon drawback by a licensed rectifier or compounder of spirits, in any customs or excise warehouse under the like provisions under which British liqueurs may be so warehoused by virtue of section thirteen of "The Customs and Excise Warehousing Act, 1869."

As to licences for carriages hired.

11. From and after the thirty-first day of December next the provision numbered seven of section nineteen of the Act of the thirty-second and thirty-third years of the reign of Her present Majesty, chapter fourteen, shall be repealed, and in lieu thereof it is enacted as follows:

Every person who shall let any carriage for hire for any period less than one year shall for the purposes of the said Act be deemed to be the person keeping such carriage, and every person who shall hire any carriage for a year or any longer period shall for the purpose of the said Act be deemed to be the person keeping such carriage.

Spirit grocers and beer dealers licences in Ireland to expire on the 10th of October.

12. Whereas licences taken out by spirit grocers in Ireland and licences and additional licences taken out by beer dealers in Ireland now by law expire on the fifth day of July in each year, and it is expedient to alter the time of the expiration of such licences; be it enacted that all such licences taken out after the fifth day of July next after the passing of this Act and before the eleventh day of October one thousand eight hundred and seventy-six shall continue and be in force until the said last-mentioned day; and all such licences which shall be taken out on or after the said last-mentioned day shall expire on the tenth day of October next after the granting thereof; and every such licence which shall be in force at the time of the passing of this Act or which shall be taken out on or before the said fifth day of July, shall continue in force until the eleventh day of October next after the passing of this Act, and in respect of every such licence which shall be in force between the fifth day of July and the eleventh day of

October next after the passing of this Act, there shall be charged and paid in respect of the said last-mentioned period, and in addition to the duty paid or payable thereon, the duty for one quarter of a year, and such additional duty shall be recoverable in like manner as any other duty of excise: Provided always, that nothing in this Act contained shall continue in force any such licence granted in pursuance of a justice's certificate requiring to be confirmed under section twelve of "The Licensing Act (Ireland), 1874," after the time limited by the said section for the continuance of such licence, unless such certificate shall be confirmed in the manner by the said section prescribed.

PART IV.

Stamps.

13. The provisions of "The Stamp Duties Management Act, 1870," are hereby declared to be applicable to all fees which now are or from time to time may be directed to be collected or received by means of stamps, and also to all penalties and offences relating to any stamp duties which now are or from time to time may be under the management of the Commissioners of Inland Revenue.

"The Stamp Duties Management Act, 1870," applicable to all fee stamps, and penalties and offences relating to stamp duties.

14. After the passing of this Act the duties specified in the schedule to this Act shall cease to be payable.

Repeal of stamp duties on appointment.

SCHEDULE.

STAMP DUTIES REPEALED.

Charged under 33 *&* 34 *Vict. c.* 97.

	£	*s.*	*d.*
Admission and appointment or grant by any writing, To or of any office or employment—			
Where the annual salary, fees, or emoluments appertaining to such office or employment do not exceed 100*l.* - - - - -	2	0	0
Exceed 100*l.* and do not exceed 150*l.* - -	4	0	0
„ 150*l.* „ „ 200*l.* - -	6	0	0
„ 200*l.* „ „ 250*l.* - -	8	0	0
„ 250*l.* „ „ 300*l.* - -	10	0	0
„ 300*l.*— for every 100*l.*, and also for any fractional part of 100*l.* - - - - -	5	0	0
Commission or deputation granted by the Commissioners of Inland Revenue - - - - -	1	10	0

Charged under 35 *&* 36 *Vict. c.* 20. *s.* 3.

Commission or deputation granted by the Commissioners of the Customs - - - - -	1	10	0

CHAPTER 24.

An Act to amend the Law with reference to the Falsification of Accounts. [29th June 1875.]

WHEREAS it is expedient to amend the law so as to punish the falsification by clerks, officers, servants, and others of their employers accounts, books, writings, or documents:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Punishment for falsification of accounts, &c.

1. That if any clerk, officer, or servant, or any person employed or acting in the capacity of a clerk, officer, or servant, shall wilfully and with intent to defraud destroy, alter, mutilate, or falsify any book, paper, writing, valuable security, or account which belongs to or is in the possession of his employer, or has been received by him for or on behalf of his employer, or shall wilfully and with intent to defraud make or concur in making any false entry in, or omit or alter, or concur in omitting or altering, any material particular from or in any such book, or any document, or account, then in every such case the person so offending shall be guilty of a misdemeanor, and be liable to be kept in penal servitude for a term not exceeding seven years, or to be imprisoned with or without hard labour for any term not exceeding two years.

Intention to defraud sufficient indictment.

2. It shall be sufficient in any indictment under this Act to allege a general intent to defraud without naming any particular person intended to be defrauded.

Act to be read with 24 & 25 Vict. c. 96.

3. This Act shall be read as one with the Act of the twenty-fourth and twenty-fifth of Her Majesty, chapter ninety-six.

Short title.

4. This Act may be cited as the Falsification of Accounts Act, 1875.

CHAPTER 25.

An Act to consolidate, with amendments, the Acts relating to the Protection of Public Stores. [29th June 1875.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as The Public Stores Act, 1875.

2. In this Act— Interpretation of terms.

The term "Secretary of State" means one of Her Majesty's Principal Secretaries of State:

The term "the Admiralty" means the Lord High Admiral of the United Kingdom, or the Commissioners for executing the office of Lord High Admiral:

The term "stores" includes all goods and chattels, and any single store or article:

The term "Summary Jurisdiction Acts" means as follows: "Summary Jurisdiction Acts."

As to England, the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled "An Act to facilitate the performance "of the duties of justices of the peace out of sessions "within England and Wales with respect to summary "convictions and orders," and any Acts amending the same:

As to Scotland, The Summary Procedure Act, 1864: 27 & 28 Vict. c. 53.

As to Ireland, within the police district of Dublin metropolis, the Acts regulating the powers and duties of justices of the peace for such district, or of the police of such district; and elsewhere in Ireland, The Petty Sessions (Ireland) Act, 1851, and any Act amending the same: 14 & 15 Vict. c. 93.

The term "court of summary jurisdiction" means— "Court of summary jurisdiction."

In England and Ireland, any justice or justices of the peace, metropolitan police magistrate, stipendiary or other magistrate, or officer, by whatever name called, to whom jurisdiction is given by the Summary Jurisdiction Acts or any Acts therein referred to; and

In Scotland, the sheriff or sheriff substitute.

3. This Act shall apply to all stores under the care, superintendence, or control of a Secretary of State or the Admiralty, or any public department or office, or of any person in the service of Her Majesty, and such stores are in this Act referred to as Her Majesty's stores. The Secretary of State, Admiralty, public department, office, or person having the care, superintendence, or control of such stores, are herein-after in this Act included in the expression public department. Stores to which the Act applies.

4. The marks described in the first schedule to this Act may be applied in or on stores therein described in order to denote Her Majesty's property in stores so marked; and it shall be lawful for any public department, and the contractors, officers, and workmen of such department, to apply those marks, or any of them, in or on any such stores; and if any person without lawful authority (proof of which authority shall lie on the party accused) applies any of those marks in or on any such stores he shall be guilty of a misdemeanor, and shall on conviction thereof be liable to be imprisoned Marks in schedule appropriated for public stores.

for any term not exceeding two years, with or without hard labour.

Obliteration with intent to concealment.

5. If any person with intent to conceal Her Majesty's property in any stores takes out, destroys, or obliterates, wholly or in part, any such mark as aforesaid, or any mark whatsoever denoting the property of Her Majesty in any stores, he shall be guilty of felony, and shall on conviction thereof, be liable, in the discretion of the court before which he is convicted, to be kept in penal servitude for any term not exceeding seven years, or to be imprisoned for any term not exceeding two years, with or without hard labour.

Power to stop suspected boats, persons, &c.

6. A constable of the metropolitan police force may, within the limits for which he is constable, and any constable, if deputed by a public department, may, within the limits for which he is constable, stop, search, and detain any vessel, boat, or vehicle in or on which there is reason to suspect that any of Her Majesty's stores stolen or unlawfully obtained may be found, or any person reasonably suspected of having or conveying in any manner any of Her Majesty's stores stolen or unlawfully obtained.

A constable shall be deemed to be deputed by a public department within the meaning of this section if he is deputed by any writing signed by the person who is the head of such department, or who is authorised to sign documents on behalf of such department.

Unlawful possession of Her Majesty's stores.

7. If any person is brought before a court of summary jurisdiction charged with conveying or with having in his possession or keeping any of Her Majesty's stores reasonably suspected of being stolen or unlawfully obtained, and does not give an account to the satisfaction of the court how he came by the same, he shall be deemed guilty of a misdemeanor, and shall be liable, on summary conviction, to a penalty not exceeding five pounds, or, in the discretion of the court, to be imprisoned for any term not exceeding two months, with or without hard labour.

Prohibition of sweeping, &c. near dock-yards, artillery ranges, &c.

8. It shall not be lawful for any person, without permission in writing from a public department, or from some person authorised by a public department in that behalf, (proof of which permission shall lie on the party accused,) to gather or search for stores, or to creep, sweep, or dredge in the sea or any tidal water, within one hundred yards from any vessel belonging to Her Majesty or in Her Majesty's service, or from any mooring place or anchoring place appropriated to such vessels, or from any moorings belonging to Her Majesty, or from any of Her Majesty's wharves, or dock, victualling, or steam factory yards, or within one thousand yards from any battery or fort used for the practice of artillery either by the Royal Artillery or by militia or volunteer artillery,

or in or on any part of the spaces or distances, whether covered with water or not, from time to time marked out as ranges for artillery practice for the use of Her Majesty's ships, or marked out and appropriated for ranges under the provisions of the Artillery Ranges Act, 1862.

If any person acts in contravention of this provision he shall be liable, on summary conviction, to a penalty not exceeding five pounds, or, in the discretion of the court, to be imprisoned for any term not exceeding two months, with or without hard labour. Penalty.

9. If stores are found in the possession or keeping of a person being in Her Majesty's service, or in the service of a public department, or being a dealer in marine stores or in old metals, or a pawnbroker (within the meaning of any enactments for the time being in force relating to such dealers or to pawnbrokers), and he is taken or summoned before a court of summary jurisdiction, and the court sees reasonable grounds for believing the stores found to be or to have been Her Majesty's property, then if such person does not satisfy the court that he came lawfully by the stores so found, he shall be liable, on summary conviction, to a penalty not exceeding five pounds. Penalty on dealer, &c. found in possession of stores, and not accounting for them.

10. For the purposes of this Act stores shall be deemed to be in the possession or keeping of any person if he knowingly has them in the actual possession or keeping of any other person, or in any house, building, lodging, apartment, field, or place, open or enclosed, whether occupied by himself or not, and whether the same are so had for his own use or benefit or for the use or benefit of another. Criminal possession explained.

11. A conviction in England under any provision of this Act of a dealer in old metals shall, for the purposes of registration and its consequences under The Old Metal Dealers Act, 1861, be equivalent to a conviction under that Act. Conviction of dealer in old metals.

12. The following sections of The Larceny Act, 1861, are hereby incorporated with this Act, and shall for the purposes of this Act be read as if they were here re-enacted, namely, sections ninety-eight to one hundred, one hundred and three, one hundred and seven to one hundred and thirteen, and one hundred and fifteen to one hundred and twenty-one, all inclusive; and for this purpose the expression "this Act," where used in those sections, shall be taken to include the present Act. Parts of 24 & 25 Vict. c. 96. incorporated.

13. The provisions of this Act relative to the taking out, destroying, or obliterating of marks, or to the having in possession or keeping Her Majesty's stores, shall not apply to stores issued as regimental necessaries or otherwise for any soldier, militiaman, or volunteer; but nothing herein shall Provision for regimental necessaries, &c.

relieve any person from any obligation or liability to which he may be subject under any other Act in respect of any such stores.

Summary proceedings for offences, penalties, &c. in England, Ireland, and Scotland.

14. In England and Ireland all offences for which a person is liable under this Act on summary conviction to any punishment or penalty may be prosecuted, and any such penalty may be recovered before a court of summary jurisdiction in manner directed by the Summary Jurisdiction Acts.

Provided as follows:

The court of summary jurisdiction, when hearing and determining an information or complaint, shall be constituted—

(*a*) In England, either of two or more justices of the peace in petty sessions sitting at a place appointed for holding petty sessions, or of some magistrate or officer sitting alone or with others at some court or other place appointed for the administration of justice, and for the time being empowered by law to do alone any act authorised to be done by more than one justice of the peace; and

(*b*.) In Ireland, within the police district of Dublin metropolis, of one of the divisional justices of that district sitting at a police court within the district, and elsewhere of two or more justices of the peace sitting in petty sessions at a place appointed for holding petty sessions:

In Scotland, all offences for which a person is liable under this Act on summary conviction to any punishment or penalty may be prosecuted, and any such penalty may be recovered before the sheriff or sheriff substitute, and may be so prosecuted and recovered under the provisions of the Summary Jurisdiction Acts, and all jurisdictions, powers, and authorities necessary for that purpose are hereby conferred on sheriffs and their substitutes.

Penalties, &c. to be paid into Exchequer.

15. Any pecuniary penalty or other money recovered under this Act in relation to any stores shall, in such manner as the Treasury from time to time direct, be paid into the receipt of the Exchequer, and carried to the Consolidated Fund; and this section shall supersede any enactment to the contrary contained in any Act relating to municipal corporations or the metropolitan police, or in any other Act.

Not to prevent persons being indicted.

16. Nothing in this Act shall prevent any person from being indicted under this Act or otherwise for any indictable offence made punishable on summary conviction by this Act, or prevent any person from being liable under any other Act or otherwise to any other or higher penalty or punishment than is provided for any offence by this Act, so that no person be punished twice for the same offence

Amendment of sect. 45 of

17. Section forty-five of The Greenwich Hospital Act, 1865, shall be read and have effect as if this Act, instead of The

Naval and Victualling Stores Act, 1864, were referred to in that section. 28 & 29 Vict. c. 89.

18. The Acts specified in the second schedule to this Act are hereby repealed to the extent in the third column of that schedule mentioned: Provided that this repeal or anything in this Act shall not apply to or in respect of any offence, act, or thing committed or done before the passing of this Act, save that this Act shall apply to stores bearing any such mark or part of a mark as in this Act mentioned, whether applied before or after the passing of this Act. As to repeal of Acts and parts of Acts in second schedule.

FIRST SCHEDULE.

MARKS APPROPRIATED FOR USE IN OR ON HER MAJESTY'S STORES.

Stores.	Marks.
Hempen cordage and wire rope -	White, black, or coloured worsted threads laid up with the yarns and the wire respectively.
Canvas, fearnought, hammocks, and seamen's bags.	A blue line in a serpentine form.
Buntin - - - -	A double tape in the warp.
Candles - - - -	Blue or red cotton threads in each wick or wicks of red cotton.
Timber or metal - - Any stores not before enumerated, whether similar to the above or not.	The name of Her Majesty, her predecessors, her heirs or successors, or of any public department, or any branch thereof, or the broad arrow, or a crown, or Her Majesty's arms, whether such broad arrow, crown, or arms be alone or be in combination with any such name as aforesaid, or with any letters denoting any such name.

SECOND SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
9 Will. 3. c. 41. - [9 & 10 Will. 3. in ordinary editions.]	An Act for the better preventing the embezlement of His Majesty's Stores of War, and preventing Cheats, Frauds, and abuses in paying Seamen's Wages.	So much as is unrepealed.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
9 Geo. 1. c. 8. -	*An Act, the Title whereof begins with the Words* An Act for continuing some Laws, *and ends with the Words* Stuffs to be exported.	So much as is unrepealed.
17 Geo. 2. c. 40. -	*An Act, the Title whereof begins with the Words* An Act to continue the several Laws, *and ends with the Words* England without Licence.	Section ten.
39 & 40 Geo. 3. c. 89.	An Act for the better preventing the Embezzlement of His Majesty's Naval, Ordnance, and Victualling Stores.	The whole Act.
54 Geo. 3. c. 60. -	An Act for the better preventing the Embezzlement of His Majesty's Cordage.	The whole Act.
54 Geo. 3. c. 159. -	*An Act, the Title whereof begins with the Words* An Act for the better Regulation, *and ends with the Words* several Acts passed for that purpose.	Section ten.
55 Geo. 3. c. 127. -	An Act to repeal an Act of the Fifty-third Year of His present Majesty, for preventing the Embezzlement of Stores; and to extend the Provisions of the several Acts relating to His Majesty's Naval, Ordnance, and Victualling Stores to all other public Stores.	The whole Act.
30 & 31 Vict. c. 128.	The War Department Stores Act, 1867.	The whole Act, except sections one and two, so much of section three as defines "Secretary of State for War" and "stores," and section twenty.
32 & 33 Vict. c. 12. -	The Naval Stores Act, 1869 -	The whole Act.

CHAPTER 26.

An Act to amend the Law of Bankruptcy in Scotland. [29th June 1875.]

19 & 20 Vict. c. 79.

WHEREAS by section one hundred and twenty-two of the Bankruptcy (Scotland) Act, 1856, it is enacted that "the wages of workmen and of clerks and shopmen and "servants employed by the bankrupt, where such wages do "not exceed sixty pounds per annum, shall be entitled to the

" same privilege as the wages of domestic servants to the " extent of a month's wages prior to the date of sequestration " being awarded, or where sequestration is not awarded, prior " to the concourse of diligence for distribution of the estate " of a party being notour bankrupt:"

And whereas it is expedient to amend the said enactment:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Application of the Act.

1. This Act shall apply only to Scotland.

Repeal of 19 & 20 Vict. c. 79. s. 122.

2. The said recited section shall be and the same is hereby repealed.

Workmen's wages to be privileged.

3. From and after the passing of this Act, the wages of clerks and shopmen and servants employed by the bankrupt shall be entitled to the same privilege as the wages of domestic servants to an extent not exceeding four months wages prior to the date of sequestration being awarded, or where sequestration is not awarded prior to the concourse of diligence for distribution of the estate of a party being notour bankrupt, and not exceeding the sum of fifty pounds; and the wages of workmen employed by the bankrupt shall be similarly entitled to an extent not exceeding two months wages prior to the same respective dates.

CHAPTER 27.

An Act to extend to the surviving Children of poor Widows the benefits of the Act thirty-sixth and thirty-seventh Victoria, chapter fifty-two, intituled " An Act for the Relief of Widows and Children " of Intestates where the personal estate is of small " value." [29th June 1875.]

WHEREAS it is desirable that the provisions of the Act of thirty-six and thirty-seven Victoria, chapter fifty-two, intituled "An Act for the relief of Widows and Children " of Intestates where the personal estate is of small value," should be made applicable to the surviving children of a poor widow who dies intestate:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Extension of Act of

1. Where the whole estate and effects of an intestate widow shall not exceed in value the sum of one hundred pounds, any

36 & 37 Vict. c. 52. to children of poor intestate widows.

one or more of her children, if they shall reside at a distance exceeding three miles from the Registry of the Court of Probate having jurisdiction in the matter, may apply to the registrar of the county court within the district in which the intestate had her fixed place of abode at the time of her death, and on compliance with the regulations prescribed in the said Act of thirty-six and thirty-seven Victoria shall be entitled to the benefits in that case made and provided by the said Act, and the schedule thereunto annexed.

Construction of the Act.

2. This Act shall be read and construed along with and as part of the recited Act.

CHAPTER 28.

An Act to amend the Law respecting the Superannuation Allowances of certain Officers of the Staff of the Metropolitan Police. [29th June 1875.]

2 & 6 Vict. c. 47. s. 21.

WHEREAS by section twenty-one of the Act of the session of the second and third years of the reign of Her present Majesty, chapter forty-seven, intituled "An Act for further im-" proving the Police in and near the Metropolis," it is enacted that the surgeon and clerks employed in the Metropolitan Police Office are within the provisions of the Act of the session of the fourth and fifth years of the reign of King William the Fourth, chapter twenty-four (in this Act referred to as "The Superannuation Act, 1834"):

4 & 5 W. 4. c. 24.

And whereas doubts have arisen with respect to the application of the Superannuation Act, 1859, to the said surgeon and clerks, and to the surveyors and other officers who are employed under the Commissioner of Police of the Metropolis or the Receiver for the Metropolitan Police District, and are not constables, and whose salaries are defrayed as part of the expenses of the Metropolitan Police Force, and not out of moneys provided by Parliament for the purpose; and it is expedient to provide for the superannuation of the said surgeon, clerks, surveyors, and officers:

22 Vict. c. 26.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Power to Secretary of State to make regulations as to superannuation for officers of staff of Metropolitan Police in ac-

1. One of Her Majesty's Principal Secretaries of State (herein-after referred to as the Secretary of State) may, as soon as conveniently may be after the passing of this Act, by order make regulations respecting the grant to the officers of the staff of the Metropolitan Police mentioned in the Schedule to this Act of superannuation allowances, compensations, gratuities, or other allowances, on the like principles and

conditions as are in force at the passing of this Act with respect to persons in the permanent civil service of the State, with power to provide for the case of any such officer transferred to or from any office or employment remunerated out of any moneys raised in any part of Her Majesty's dominions by taxes or rates, penalties or fines, or any moneys applicable in aid or reduction of taxes or rates, or out of other public revenue in any part of Her Majesty's dominions, or any public office or employment in any part of Her Majesty's dominions remunerated by way of fees or otherwise.

cordance with the principles applicable to Civil Service.

A copy of the order proposed to be made in pursuance of this section shall be laid before both Houses of Parliament, and shall not be finally made by the Secretary of State until it has lain for not less than twenty days before Parliament, but such order when finally made by the Secretary of State shall be deemed to be within the powers of this Act, and shall have effect as if it were enacted in this Act.

2. The Secretary of State may, under the circumstances authorised by the regulations under this Act, grant, if he think fit, to any of the officers of the staff of the Metropolitan Police mentioned in the Schedule to this Act a superannuation allowance, compensation, gratuity, or other allowance, in accordance with the said regulations.

Power to grant superannuation allowances, &c.

Where any superannuation allowance has been granted before the passing of this Act to any of the said officers under "The Superannuation Act, 1834," the Secretary of State may, if he think fit, grant to such officer, on his application, a superannuation allowance in accordance with the regulations under this Act in lieu of the superannuation allowance so granted.

Every such grant shall be specified in the annual report laid before Parliament with respect to the Metropolitan Police, and shall state the special reasons (if any) for such grant.

3. Every superannuation allowance which has been granted before the passing of this Act to any of the officers of the staff of the Metropolitan Police mentioned in the Schedule to this Act, shall continue to be payable to such officer; and every such superannuation allowance, and every superannuation allowance, compensation, gratuity, or other allowance, which may be granted after the passing of this Act to any of the officers of the staff of the Metropolitan Police mentioned in the Schedule to this Act, shall be deemed to be part of the expenses of the Metropolitan Police Force, within the meaning of the Police Rate Act, 1868, and shall be defrayed accordingly.

Fund for payment of superannuation allowances past and future.

31 & 32 Vict. c. 67.

4. Section twenty-one above recited of the Act of the session of the second and third years of the reign of Her present Majesty, chapter forty-seven, intituled "An Act for further "improving the Police in and near the Metropolis," is hereby repealed, without prejudice to anything duly done or suffered or any right acquired or accrued under the said section.

Repeal of sect. 21. of 2 & 3 Vict. c. 47.

Short title.

5. This Act may be cited as The Metropolitan Police Staff (Superannuation) Act, 1875.

SCHEDULE.

OFFICERS OF STAFF OF METROPOLITAN POLICE TO WHOM ACT APPLIES.

Every person who has been employed, whether before or after the passing of this Act, under the Commissioner of Police of the Metropolis or the Receiver for the Metropolitan Police District, and is not a constable, and whose salary has been paid as part of the expenses of the Metropolitan Police Force.

CHAPTER 29.

An Act to continue the Endowed Schools Act, 1868.

[29th June 1875.]

31 & 32 Vict. c. 32.

WHEREAS by the Endowed Schools Act, 1868, certain conditions were annexed to the appointment of persons to offices in certain schools; and by section six of the said Act the Act was continued in force until the first day of August one thousand eight hundred and sixty-nine, and the end of the then next session of Parliament:

And whereas the said Act has been continued until the thirty-first day of December one thousand eight hundred and seventy-five, and it is expedient that the same should continue in force so long as the powers of making schemes under the Endowed Schools Acts, 1869, 1873, and 1874, continue in force, and those powers were by section six of the Endowed Schools Act, 1874, continued in force for a period of five years from the thirty-first day of December one thousand eight hundred and seventy-four:

37 & 38 Vict. c. 87.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Endowed Schools (Vested Interests) Act Continuance Act, 1875.

Continuance of 31 & 32 Vict. c. 32.

2. The Endowed Schools Act, 1868, shall continue in force so long as the powers of making schemes under the Endowed Schools Acts, 1869, 1873, and 1874, continue in force, whether in pursuance of the Endowed Schools Act, 1874, or of any Act hereafter to be passed.

CHAPTER 30.

An Act to amend the Glebe Loan (Ireland) Amendment Act, 1871. [29th June 1875.]

WHEREAS by section fourteen of the Glebe Loan (Ireland) Amendment Act, 1871, it is provided that no loan under the provisions of the said Act or under the provisions of the Glebe Loan (Ireland) Act, 1870, should be made after the thirty-first day of August in the year one thousand eight hundred and seventy-five; and it is expedient that the said section should be amended, and that the time during which loans under the said Acts may be made should be extended for a further limited period:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited for all purposes as "The Glebe Loan (Ireland) Amendment Act, 1875," and this Act and "The Glebe Loan (Ireland) Acts, 1870 and 1871," may be cited together as "The Glebe Loan (Ireland) Acts, 1870 to 1875." Short title.

2. So much of the fourteenth section of "The Glebe Loan (Ireland) Amendment Act, 1871," as limits to the thirty-first day of August one thousand eight hundred and seventy-five the period during which loans may be made under the said Acts is hereby repealed; and loans may be made under "The Glebe Loan (Ireland) Act, 1870," and "The Glebe Loan (Ireland) Amendment Act, 1871," until but not after the thirty-first day of August in the year one thousand eight hundred and seventy-eight. Section 14 of 34 & 35 Vict. c. 100. repealed.

CHAPTER 31.

An Act to make perpetual Section Four of the Railway Companies Act, 1867, and Section Four of the Railway Companies (Scotland) Act, 1867. [29th June 1875.]

WHEREAS by section four of the Railway Companies Act, 1867, restrictions were placed on the liability of the rolling stock and plant of railway companies in England and Ireland to be taken in execution at law or in equity at any time after the passing of that Act and before the first day of September one thousand eight hundred and sixty-eight: 30 & 31 Vict. c. 127.

And whereas by section four of the Railway Companies Scotland) Act, 1867, restrictions were placed on the liability 30 & 31 Vict. c. 126.

of rolling stock and plant of railway companies in Scotland to be attached by diligence at any time after the passing of that Act and before the first day of September one thousand eight hundred and sixty-eight:

31 & 32 Vict. c. 79.

And whereas by the Railway Companies Act, 1868, it was enacted that the said sections should be read and have effect as if the first day of September one thousand eight hundred and seventy were therein mentioned instead of the first day of September one thousand eight hundred and sixty-eight:

And whereas the said sections have since been continued until the thirty-first day of December one thousand eight hundred and seventy-five, and it is expedient that the same should be made perpetual:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

30 & 31 Vict. c 127. s. 4. and c. 126. s. 4. made perpetual.

1. The Railway Companies Act, 1868, and also the words "and before the first day of September one thousand eight "hundred and sixty-eight" in section four of the Railway Companies Act, 1867, and in section four of the Railway Companies (Scotland) Act, 1867, are hereby repealed, and the said sections shall be perpetual.

CHAPTER 32.

An Act to continue for Ten Years the Survey (Great Britain) Acts. [29th June 1875.]

4 & 5 Vict. c. 30. 33 & 34 Vict. c. 13.

WHEREAS under the Survey (Great Britain) Acts, 1841 and 1870, certain powers for the purpose of making a survey of Great Britain, Berwick-upon-Tweed, and the Isle of Man are vested in the Commissioners of Her Majesty's Works and Public Buildings, and in officers and other persons appointed by or acting under the orders of those Commissioners:

And whereas the Survey (Great Britain) Acts, 1841 and 1870, were temporary in their duration, but, in so far as they are temporary in their duration, have been continued until the thirty-first day of December one thousand eight hundred and seventy-five, and it is expedient that the same should be further continued for a period of ten years:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Survey (Great Britain) Continuance Act, 1875.

2. The Survey (Great Britain) Acts, 1841 and 1870, and the enactments, if any, amending or affecting the same, shall, in so far as they are temporary in their duration, continue in force until the thirty-first day of December one thousand eight hundred and eighty-five, and no longer.

Continuance of Acts for 10 years.

CHAPTER 33.

An Act to amend the Metropolis Management Acts.

[29th June 1875.]

WHEREAS by section one hundred and sixty-three of the Metropolis Management Act, 1855, it is provided that any sewers rate raised under that Act shall, as regards all land used as arable, meadow, or pasture ground only, or as woodland, orchard, market garden, hop, herb, flower, fruit, or nursery ground, be assessed and levied in the proportion of one fourth part only of the net annual value of such land:

And whereas by section one hundred and sixty-four of the same Act it is also provided that where any property was, at the time of the issuing of the first commission under the Act of the eleventh and twelfth years of Her Majesty, chapter one hundred and twelve, entitled to exemption from or to any reduction or allowance in respect of the sewers rate, such exemption, reduction, or allowance shall be observed and allowed in levying any sewers rate under that Act:

And whereas by virtue of the said recited Act, and the Acts amending the same, the Metropolitan Board of Works do assess the several parts of the metropolis according to the basis on which the printed totals of the valuation lists sent out by the clerk of the managers of the Metropolitan Asylum District under "The Valuation (Metropolis) Act, 1869," are made, and issue their precepts for sums of money which, by reason of the recited exemptions, cannot be levied upon some of the property included in such assessment, or can only be levied at one fourth of the amount included in such assessment, whereby the parts of the metropolis wherein such exemptions exist are compelled to make a rate at an increased amount in order to meet such precepts:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. From and after the sixth day of April one thousand eight hundred and seventy-six the Metropolitan Board of Works, in every assessment made by them upon such parts of the metropolis as contain property wholly or partially exempt from sewers rate, and in the precepts issued for obtaining payment

Metropolitan Board of Works to make abatement on assessment of parts of metro-

polis containing property exempt from sewers rate.

of the sums so assessed, shall make an allowance or abatement equal to the reduction or exemption which, under the one hundred and sixty-third and one hundred and sixty-fourth sections of the Metropolis Management Act, 1855, is required to be made in levying any rate for the purpose of meeting such precepts.

Totals of value of property so exempt to be inserted in valuation lists.

2. The overseers and assessment committees acting under the Valuation (Metropolis) Act, 1869, shall cause the totals of the gross and rateable value of the property so wholly or partially exempt from sewers rate, and the extent of such exemption, to be ascertained and inserted in the valuation lists which will come into force on the sixth day of April one thousand eight hundred and seventy-six, and in every valuation list which shall thereafter be made by them.

Totals to be printed.

3. The said lists shall be sent by the assessment committees before the first day of November in each year to the clerk of the managers of the Metropolitan Asylum District, who shall print and send the said totals and extent of exemptions, with the other totals of gross and rateable value required to be printed and sent by the seventeenth section of the said Valuation (Metropolis) Act, 1869.

Appeal in case of unfairness, &c.

4. Any unfairness or incorrectness in the said totals and extent of exemptions may be appealed against in the manner provided for appealing against totals of gross or rateable value under section thirty-two of the Valuation (Metropolis) Act, 1869.

CHAPTER 34.

An Act to amend the Acts relating to the Ecclesiastical Commissioners, and enable them to carry into effect a certain proposal for the re-arrangement of the Dioceses of London, Winchester, and Rochester, and the erection of a new Bishopric of Saint Albans.

[29th June 1875.]

WHEREAS, having regard to the great increase of population in the counties adjoining the metropolis both north and south of the Thames, and in particular in the county of Surrey, it is expedient to provide increased episcopal supervision in such counties, and with a view thereto an arrangement is proposed whereby a new bishopric, to be called the Bishopric of Saint Albans, will be formed to the north of the Thames, to consist of the counties of Hertford and Essex (which will be taken away from the diocese of Rochester), and more complete episcopal supervision will be secured to South London and the district situate to the south of the

Thames, including a large part of the county of Surrey, by adding to the diocese of Rochester, in exchange for the counties to the north of the Thames so taken away as aforesaid, the several parishes in this Act hereafter specified, of which the greater portion form at the present time part of the diocese of Winchester:

And whereas the Bishop of Winchester, with a view to further such arrangement as aforesaid, and in particular to provide more complete episcopal supervision as aforesaid in South London and the district situated to the south of the Thames, has assented to the sale of the episcopal residence in London attached to the bishopric of Winchester, and to the application of the proceeds of such sale as a basis for an endowment of the bishopric of Saint Albans, and it is intended to make such further provision for the endowment of the said bishopric as is herein-after mentioned:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited for all purposes as the Bishopric of Saint Albans Act, 1875. **Short title of Act.**

Bishopric of Saint Albans.

2. The Ecclesiastical Commissioners for England (in this Act referred to as "the Commissioners") shall, as soon as may be after the passing of this Act, sell the episcopal residence attached to the bishopric of Winchester, and situate in the liberties of the city of Westminster, and shall carry over the proceeds of such sale, after deducting the expenses thereof, to a fund to be called the Saint Albans Bishopric Endowment Fund. **London house of Bishop of Winchester to be sold, and proceeds carried to Bishopric Endowment Fund.**

3. The Commissioners shall receive all contributions which may be made by the public for the purposes of the endowment of the bishopric of Saint Albans, and carry the amount of such contributions to the said Saint Albans Bishopric Endowment Fund. **Public contributions to be carried to Bishopric Endowment Fund.**

4. Whenever the Commissioners certify to Her Majesty under their seal that the Saint Albans Bishopric Endowment Fund amounts to a sum which (exclusive of the value of any episcopal residence which may have been provided, or any sum appropriated for the purpose of providing such episcopal residence,) produces a net income of not less than two thousand pounds a year, Her Majesty, by Order in Council, may found a new bishopric of Saint Albans, with a diocese consisting of the counties of Hertford and Essex, and of that part of the county of Kent which lies north of the River Thames, or of such parts thereof as to Her Majesty may seem meet, and may **Bishopric to be established on sufficient endowment being provided.**

assign to such bishopric as a cathedral church the abbey church of Saint Albans, in the county of Hertford, but subject to the rights of the incumbent of such church, and may declare the time at which such Order founding such new bishopric is to come into operation.

Her Majesty, by the same or any other Order in Council, may constitute the Bishop of Saint Albans a body corporate, and may invest such bishop with all such rights, privileges, and jurisdictions as are now possessed by any other bishop in England, or such of them as to Her Majesty may seem meet, and may subject such bishop to the metropolitan jurisdiction of the Archbishop of Canterbury.

New constitution of diocese of Rochester, and alteration of dioceses of London and Winchester.

5. Her Majesty may by the Order in Council founding the bishopric of Saint Albans, or by any other Order in Council, to take effect at or after the time at which such first-mentioned Order comes into operation, transfer to the residue of the diocese of Rochester remaining after such constitution as aforesaid of the bishopric of Saint Albans out of the counties of Hertford and Essex, all such parishes situate wholly or partly in the parliamentary divisions of East Surrey and Mid Surrey as now form part of the diocese of Winchester, also all such parishes situate in the county of Surrey as now form part of the diocese of London.

Her Majesty may in any such Order in Council as is mentioned in this section make such modifications in the provisions herein contained respecting the transfer of parishes as to Her Majesty may seem meet.

Additional endowment of bishopric of Saint Albans.

6. Subject to the rights of the persons who are at the time of the passing of this Act Bishops of Winchester and Rochester, there shall be transferred to the Saint Albans Bishopric Endowment Fund such portion of the endowment or income of the bishopric of Winchester as will yield a net annual sum of five hundred pounds, and such portion of the endowment or income of the bishopric of Rochester as will yield a net annual sum of five hundred pounds.

The number of bishops sitting in Parliament not to be increased.

7. The number of Lords Spiritual sitting and voting as Lords of Parliament shall not be increased by the foundation of the bishopric of Saint Albans, and whenever there is a vacancy among such Lords Spiritual by the avoidance of any of the sees of Canterbury, York, London, Durham, or Winchester, such vacancy shall be supplied by the issue of a writ of summons to the bishop acceding to the see so avoided, and if such vacancy is caused by the avoidance of any see other than the five sees aforesaid, such vacancy shall be supplied by the issue of a writ of summons to that bishop of a see in England who having been longest appointed bishop of a see in England has not previously become entitled to such writ.

Provided, that where a bishop is translated from one see to another, and was at the date of his translation actually sitting

as a Lord of Parliament, he shall not thereupon lose his right to receive a writ of summons to Parliament.

Supplemental Provisions.

8. So long as there is not a Dean and Chapter of Saint Albans Her Majesty may appoint the Bishop of Saint Albans by letters patent, and such letters patent shall be made in the like manner, so far as circumstances admit, and have the same effect as letters patent of Her Majesty nominating a bishop in the case of a bishopric where a dean and chapter have not proceeded to elect a bishop in accordance with the license and letters missive of Her Majesty.

Appointment of Bishop of Saint Albans.

From and after the foundation of such dean and chapter a vacancy in the bishopric of Saint Albans shall be filled in the same manner as a vacancy in any other bishopric in England.

9. Whenever such certificate as is in this Act mentioned has been given by the Commissioners with respect to the net income produced by the Saint Albans Bishopric Endowment Fund, the Commissioners shall lay before Her Majesty a scheme—

Courts, officers, archdeaconries, and other incidental arrangements constituting the bishopric of Saint Albans to be provided by a scheme of the Ecclesiastical Commissioners, approved by Order in Council.

(1.) For assigning to the Bishop of Saint Albans all or any such courts, officers, and jurisdiction belonging to any bishop in England, and not otherwise assigned by this Act, or any Order in Council made thereunder, as it may be thought expedient to assign, and for making provision for dispensing with the confirmation or other agency of a dean and chapter in relation to any matters in which such confirmation or agency would otherwise be required, and for the custody of the spiritualities by the Archbishop of Canterbury during a vacancy in the see; and

(2.) For making such arrangements as may be thought expedient, by the creation of new archdeaconries or otherwise, for the archidiaconal supervision of the parishes affected by the foundation of the bishopric of Saint Albans, and by the alteration of the boundaries of the bishoprics of London, Winchester, and Rochester, with power on the next avoidance of the archdeaconry of Rochester and Saint Albans, and before such avoidance with the consent of the person who is now Archdeacon of Rochester and Saint Albans, to divide the archdeaconry of Rochester and Saint Albans; provided, that from and after such division the canonry in the cathedral church of Rochester now annexed to the archdeaconry of Rochester and Saint Albans shall be permanently annexed to the archdeaconry of Rochester; and

(3.) For giving the bishop of each of the dioceses of London, Winchester, Rochester, and Saint Albans

the patronage of every ecclesiastical dignity and benefice situate in his diocese the patronage of which ecclesiastical dignity or benefice is, at the date of the scheme being made, vested in the bishop of the diocese in which such dignity or benefice is then situate; and

(4.) For transferring the portions of the endowments or income of the bishoprics of Winchester and Rochester directed by this Act to be transferred to the Saint Albans Bishopric Endowment Fund; and

(5.) For enabling any existing archdeacon to reside in any place in which he is residing at the time of the passing of this Act, and for making such arrangements as to the officers of the said bishoprics as may seem to the Commissioners requisite to preclude any existing officer from being prejudiced by this Act or any Order in Council made thereunder; and

(6.) For founding honorary canonries in the cathedral church of Saint Albans, with power to dispense with the consent of any dean and chapter so long as there is no such dean and chapter in existence at Saint Albans, and to provide that honorary canons in the cathedral church of Rochester who, upon the foundation of the bishopric of Saint Albans, may be holding benefices in the diocese of Saint Albans shall become honorary canons in the cathedral church of Saint Albans instead of being honorary canons in the cathedral church of Rochester; and

(7.) For providing for the transfer as soon as may be practicable to the registrar or other officer of the diocese of Saint Albans, from the registrars or officers of the dioceses of London, Winchester, and Rochester who may be respectively in possession of the same, of all terriers, tithe apportionments, maps, plans, and other documents relating to the several parishes which shall be situate in the diocese of Saint Albans; and

(8.) For making such other provisions and arrangements, whether similar or not to the foregoing, as may be necessary for carrying into complete effect this Act or any Order in Council made thereunder.

Any scheme made in pursuance of this Act shall be of no effect until it has been approved by Order of Her Majesty in Council, but when so approved shall be published in the London Gazette.

A copy of any scheme made in pursuance of this section, and approved by Order of Her Majesty in Council, shall be laid before both Houses of Parliament as soon as conveniently may be after such Order is made, if Parliament be then sitting, or if Parliament be not then sitting, within one week after the next meeting of Parliament.

10. Any Order made by Her Majesty in Council in pursuance of the provisions contained in this Act, shall be of the same effect as if such Order were enacted in this Act.

Validity of Order in Council

11. At any time after the passing of this Act, the Commissioners may, with the consent of the Bishop of Rochester, sell the episcopal residence attached to the bishopric of Rochester, and situate in the parishes of Danbury and Sandon, in the county of Essex, and after the person who is Bishop of Rochester at the time of the passing of this Act ceases to be entitled to reside therein, may sell the same without such consent; the Commissioners shall in the first place out of the proceeds of such last-mentioned sale, after deducting the expenses thereof, provide, in the county of Surrey, a suitable episcopal residence for the Bishop of Rochester, and shall carry the surplus to the Saint Albans Bishopric Endowment Fund, with a view to providing within the diocese of Saint Albans a suitable episcopal residence for the Bishop of Saint Albans.

Sale by Commissioners of Danbury.

The expression "episcopal residence situate in the parishes of Danbury and Sandon" shall include any gardens, pleasure grounds, farms, and lands usually held or occupied with the said residence.

12. The Commissioners may sell any episcopal residence or land by this Act authorised to be sold by them, with or without special conditions of title, or otherwise, as they may think fit, and they shall have power by any conveyance or instrument under their seal to vest in the purchaser all the estate and interest therein of the bishop of the bishopric to which it was attached and his successors, and any other estate and interest therein (if any) belonging to or held in trust for such bishopric.

Effect of conveyance of episcopal residences by Commissioners.

13. The Saint Albans Bishopric Endowment Fund shall be held by the Commissioners upon trust to provide a net annual income not exceeding four thousand five hundred pounds a year, and a residence, for the Bishop of Saint Albans, and subject as aforesaid upon trust for the foundation of a dean and chapter for the bishopric of Saint Albans, in such manner as may be from time to time provided by Order of Her Majesty in Council.

Trusts of Bishopric Endowment Fund.

All annual income arising from the Saint Albans Bishopric Endowment Fund shall, until the bishopric of Saint Albans is founded, as provided by this Act, be invested and accumulated as part of the fund; but the Commissioners shall have full power to sell (discharged from all trusts), invest, manage, lease, and otherwise deal with the fund and the property in which it may for the time being be invested in such manner as they may deem most expedient for the purposes of their trust. The Commissioners may invest the whole or any part of the Saint Albans Bishopric Endowment Fund in the purchase of land, and may hold such land without any license in

mortmain, and may from time to time, with the consent of the Bishop of Saint Albans for the time being, assign to such bishop and his successors, as an endowment for the see, the lands so purchased, if convenient to be held by such see: Provided that there shall not be assigned as an endowment to the said bishopric, exclusive of an episcopal residence, a greater extent of land than will, after deducting the costs of management, produce as nearly as may be a net annual income of four thousand five hundred pounds.

The endowment of the bishopric of Saint Albans under this Act shall be deemed to be for all purposes subject to the same laws as the temporalities and endowment of any other bishopric in England.

Temporary Provisions.

Provision as to existing Bishop of Rochester.

14. If the person who at the passing of this Act is the Bishop of Rochester is translated to the bishopric of Saint Albans, he shall be entitled, so long as he continues Bishop of Saint Albans, to a writ of summons to sit in Parliament, and to the same rank and precedence in Parliament and elsewhere as if he had continued to be Bishop of Rochester; and he shall be entitled, so long as he continues Bishop of Saint Albans, to reside at the episcopal residence of Danbury (until sold with his consent), and to receive out of the revenue of the bishopric of Rochester such annual sum as will, together with the revenue of the bishopric of Saint Albans, make up his net annual income to the same amount as that which he received as Bishop of Rochester; and if he resigns the bishopric of Saint Albans, in pursuance of the Bishops Resignation Act, 1869, and thus becomes entitled under that Act to a retiring allowance of two thousand pounds, and at the date of such resignation was receiving any annual sum out of the revenues of the bishopric of Rochester, such retiring allowance shall be paid partly out of the revenue of the bishopric of Rochester and partly out of the revenue of the bishopric of Saint Albans, and the amount of the portion so to be paid out of the revenue of the bishopric of Rochester shall bear the same proportion to the amount payable out of the revenue of the bishopric of Saint Albans as the annual income which he was receiving at the time of his resignation out of the revenue of the bishopric of Rochester bore to the annual income which he was receiving out of the revenue of the bishopric of Saint Albans.

32 & 33 Vict. c. 111.

Provided that if during the payment of any such retiring allowance as aforesaid to any bishop an augmentation is made in the revenue of the bishopric of Saint Albans, a proportionate increase shall be made in the quota payable towards such allowance out of the revenue of the bishopric of Saint Albans, and a corresponding reduction shall be made in the quota payable out of the revenue of the bishopric of Rochester.

Provided, that if at any time after the passing of this Act, the annual income of one of the said bishoprics of Saint Albans and Rochester is for the time being less than the income of the other of the said bishoprics, and less than four thousand five hundred pounds, then (subject and without prejudice to such provisions of this Act as are limited to take effect in the event of the translation to the bishopric of Saint Albans of the person who at the time of the passing of this Act is the Bishop of Rochester) the person for the time being holding such one of the said bishoprics as has the less income shall, in the event of his becoming entitled to a retiring allowance under the Bishops Resignation Act, 1869, be only entitled to be paid one third part of the income enjoyed by him before his retirement, and shall not be entitled to receive the annual sum of two thousand pounds in place of such third part.

Saving Clauses, and Repeal.

Saving as to service as incumbent or curate in transferred parishes.

15. The service of any person, either before or partly before and partly after the foundation of the bishopric of Saint Albans, as incumbent or curate in any parish which, in pursuance of this Act, is constituted part of a different diocese from that of which it forms part at the passing of this Act, shall, for the purpose of qualifying such incumbent or curate to be presented or nominated to any benefice in the patronage of the chapter of any cathedral or collegiate church, be deemed to be service in the diocese in which such parish is situate at the time of the passing of this Act, or in the diocese in which such parish is situate at the date of the presentation or nomination.

Common fund of Commissioners not applicable to endowment.

16. Nothing in this Act shall authorise the Commissioners to apply any portion of their common fund towards the endowment of the bishopric of Saint Albans, or of the dean and chapter of such bishopric, save in so far as relates to the net annual sums of five hundred pounds and five hundred pounds by this Act made payable out of the endowment or income of the bishoprics of Winchester and Rochester.

Repeal of certain Acts and parts of Acts.

17. There shall be repealed, from and after the date of the passing of this Act, any enactment of any Act of Parliament inconsistent therewith, and from and after the date at which any Order of Her Majesty in Council made in pursuance of or for the purposes of this Act comes into operation, any enactment of any Act of Parliament inconsistent with such Order in Council.

CHAPTER 35.

An Act for the further Amendment of the Laws relating to Turnpike Roads in South Wales.

[29th June 1875.]

7 & 8 Vict. c. 91.

WHEREAS by an Act passed in the session of the seventh and eighth years of Her present Majesty, chapter ninety-one, and intituled "An Act to consolidate and amend the Laws "relating to Turnpike Trusts in South Wales," the Public Works Loan Commissioners were empowered to make loans to be severally secured by way of annuity on the respective county roads funds to be formed and county road rates to be levied under the said Act in the six counties following; that is to say, the counties of Glamorgan, Brecknock, Radnor, Carmarthen, Pembroke, and Cardigan; and the said Commissioners, in pursuance of such power, have made loans on the security of the said several funds and rates:

And whereas by section ninety-five of the said Act it is enacted that whenever it appears to the county roads board for any of the said counties at their annual general meeting that the county roads fund for their county will during the coming year be insufficient for the payment as well of the sums charged thereon by way of annuity to the said Commissioners, as of the expenses of the management and repair of the several turnpike roads in such county, such county roads board shall certify the amount that will be necessary in addition to such county roads fund to meet the several purposes aforesaid, subject nevertheless to the following proviso, viz. "That the sum "so certified by any county roads board to be required in aid "of such county roads fund shall in no case exceed the yearly "sum which shall be payable by way of annuity as aforesaid "to the said Public Works Loan Commissioners by the county "in which such sum shall be required:"

And whereas by section ninety-six of the said Act it is enacted that the justices of any such county at their general quarter sessions assembled shall levy a county roads rate in the nature of a county rate, for the purpose of raising the amount so certified to be required by the county roads board:

And whereas the loans so made by the said Commissioners as aforesaid have been in great part repaid, but the funds under the control of the said county roads boards will not in future be sufficient to enable them without the aid of the said county roads rate to defray the expenses of the management and repair of the turnpike roads in some of the said several counties, and it is therefore expedient that provision should be made whereby such rate may continue to be levied, subject to the restrictions herein-after contained:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords

Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as "The South Wales Turnpike Trusts Amendment Act, 1875," and shall remain in force during the continuance of the said recited Act. **Short title.**

2. This Act shall be construed as one with the said recited Act and the several Acts amending the same. **The Act to be construed with former Acts.**

3. From and after the thirty-first day of December one thousand eight hundred and seventy-five the said recited proviso contained in the ninety-fifth section of the said Act shall be repealed, and in lieu thereof the following enactment shall take effect; namely, **Amendment of proviso in 7 & 8 Vict. c. 91. s. 95.**

That the sum hereafter certified by any such county roads board as aforesaid shall in no case exceed the maximum amount previously paid in any one year under the said recited Act by way of annuity to the Public Works Loan Commissioners by the county in respect of which such sum shall be required. **Limit to sums certified.**

Provided that, notwithstanding anything in the said ninety-sixth section of the said recited Act contained, it shall not be obligatory upon the justices of any county to raise by the levying of a county road rate the whole or any part of the sum certified by any county roads board as aforesaid, except so far as the same may be required by such county in respect of the yearly sums payable as aforesaid to the Public Works Loan Commissioners. **Rate in aid to be in the discretion of the justices.**

CHAPTER 36.

An Act for facilitating the Improvement of the Dwellings of the Working Classes in Large Towns.

[29th June 1875.]

WHEREAS various portions of many cities and boroughs are so built, and the buildings thereon are so densely inhabited, as to be highly injurious to the moral and physical welfare of the inhabitants:

And whereas there are in such portions of cities and boroughs as aforesaid a great number of houses, courts, and alleys which, by reason of the want of light, air, ventilation, or of proper conveniences, or from other causes, are unfit for human habitation, and fevers and diseases are constantly generated there, causing death and loss of health, not only in the courts and alleys but also in other parts of such cities and boroughs:

And whereas it often happens that owing to the above circumstances, and to the fact that such houses, courts, and alleys are the property of several owners, it is not in the

power of any one owner to make such alterations as are necessary for the public health:

And whereas it is necessary for the public health that many of such houses, courts, and alleys should be pulled down, and such portions of the said cities and boroughs should be reconstructed:

And whereas in connexion with the reconstruction of those portions of such cities and boroughs it is expedient that provision be made for dwellings for the working class who may be displaced in consequence thereof:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

Short title.

1. This Act may be cited for all purposes as "The Artizans and Labourers Dwellings Improvement Act, 1875."

Application of Act to certain districts, and description of local authority.

2. This Act shall apply only to

(1.) The City of London; and

(2.) The Metropolis, exclusive of the City of London; and

(3.) Urban sanitary districts in England containing, according to the last published Census for the time being, a population of twenty-five thousand and upwards;

(4.) Urban sanitary districts in Ireland containing, according to the last published Census, a population of twenty-five thousand and upwards;

and the local authority shall be as follows; that is to say,—

(1.) As respects the City of London, the Commissioners of Sewers; and

(2.) As respects the Metropolis, the Metropolitan Board of Works; and

(3.) As respects each urban sanitary district, the urban sanitary authority of that district.

PART I.

UNHEALTHY AREAS.

1. *Scheme by Local Authority.*

Local authority on being satisfied by official representation of the unhealthiness of district to make scheme for its improvement.

3. Where an official representation as herein-after mentioned is made to the local authority that any houses, courts, or alleys within a certain area under the jurisdiction of the local authority are unfit for human habitation, or that diseases indicating a generally low condition of health amongst the population have been from time to time prevalent in a certain area within the jurisdiction of the local authority, and that

such prevalence may reasonably be attributed to the closeness, narrowness, and bad arrangement or the bad condition of the streets and houses or groups of houses within such area, or to the want of light, air, ventilation, or proper conveniences, or to any other sanitary defects, or to one or more of such causes, and that the evils connected with such houses, courts, or alleys, and the sanitary defects in such area, cannot be effectually remedied otherwise than by an improvement scheme for the re-arrangement and reconstruction of the streets and houses within such area, or of some of such streets or houses, the local authority shall take such representation into their consideration, and if satisfied of the truth thereof, and of the sufficiency of their resources, shall pass a resolution to the effect that such area is an unhealthy area, and that an improvement scheme ought be made in respect of such area, and after passing such resolution they shall forthwith proceed to make a scheme for the improvement of such area.

Provided always, that no person being beneficially interested in any lands within such area shall vote as member of the local authority upon such resolution, or upon any question relating to the purchase or taking of lands in which he is so interested.

If any person votes in contravention of this proviso, he shall, on summary conviction, incur a penalty not exceeding twenty pounds; but the fact of his giving such vote shall not invalidate any resolution passed by the local authority.

Provided always, that any number of such areas may be included in one improvement scheme.

Official representation by whom to be made.

4. An official representation shall mean, in the Metropolis, a representation made by the medical officer of health of any district board, or vestry, or by such medical officer as is hereafter in this Act mentioned, to the local authority, and elsewhere shall mean a representation made to the local authority by the medical officer of health of such authority. A medical officer acting in pursuance of this Act shall make such representation whenever he sees cause to make the same; and if two or more justices of the peace acting within the jurisdiction for which he is medical officer, or twelve or more persons liable to be rated to any rate out of the proceeds of which the expenses of the local authority under this Act are made payable, complain to him of the unhealthiness of any area within such jurisdiction, it shall be the duty of the officer forthwith to inspect such area, and to make an official representation stating the facts of the case, and whether in his opinion the area is an unhealthy area or not an unhealthy area, for the purposes of this Act.

Requisites of improvement scheme of local authority.

5. The improvement scheme of a local authority shall be accompanied by maps, particulars, and estimates; it may exclude any part of the area in respect of which an official

representation is made, or include any neighbouring lands, if the local authority are of opinion that such exclusion is expedient or inclusion is necessary for making their scheme efficient for sanitary purposes; it may also provide for widening any existing approaches to the unhealthy area or otherwise for opening out the same for the purposes of ventilation or health; also it shall distinguish the lands proposed to be taken compulsorily, and shall provide for the accommodation of at the least as many persons of the working class as may be displaced in the area with respect to which the scheme is proposed, in suitable dwellings, which, unless there are any special reasons to the contrary, shall be situate within the limits of the same area, or in the vicinity thereof; it shall also provide for proper sanitary arrangements. It may also provide for such scheme or any part thereof being carried out and effected by the person entitled to the first estate of freehold in any property subject to the scheme or with the concurrence of such person, under the superintendence and control of the local authority, and upon such terms and conditions to be embodied in the scheme as may be agreed upon between the local authority and such person.

2. *Confirmation of Scheme.*

Improvement scheme by provisional order to be confirmed by Parliament.

6. Upon the completion of an improvement scheme the local authority shall—

Publication of notices.

Publish, during three consecutive weeks in the month of September, or October, or November, in some one and the same newspaper circulating within the jurisdiction of the local authority, an advertisement stating the fact of a scheme having been made, the limits of the area to which the scheme relates, and naming a place within such area or in the vicinity thereof where a copy of the scheme may be seen at all reasonable hours; and,

Service of notices.

During the month next following the month in which such advertisement is published serve a notice on every owner or reputed owner, lessee or reputed lessee, and occupier of any lands proposed to be taken compulsorily, so far as such persons can reasonably be ascertained, stating that such lands are proposed to be taken compulsorily for the purpose of an improvement scheme, and in the case of any owner or reputed owner, lessee or reputed lessee, requiring an answer stating whether the person so served dissents or not in respect of taking such lands, such notice to be served—

(*a.*) By delivery of the same personally to the person required to be served, or if such person is absent abroad, or cannot be found, to his agent, or if no agent can be found, then by leaving the same on the premises; or,

(*b.*) By leaving the same at the usual or last known place of abode of such person as aforesaid; or,

(*c.*) By forwarding the same by post in a prepaid letter addressed to the usual or last known place of abode of such person.

One notice addressed to the occupier or occupiers without naming him or them, and left at any house, shall be deemed to be a notice served on the occupier or on all the occupiers of any such house.

Petition to Secretary of State or Local Government Board.

Upon compliance with the provisions contained in this section with respect to the publication of an advertisement and the service of notices, the local authority shall present a petition, if such authority be the Commissioners of Sewers or the Metropolitan Board of Works to a Secretary of State, and if such authority be an urban sanitary authority to the Local Government Board, praying that an order may be made confirming such scheme. The petition shall be accompanied by a copy of the scheme, and shall state the names of the owners or reputed owners, lessees or reputed lessees, who have dissented in respect of the taking their lands, and shall be supported by such evidence as the Secretary of State or Local Government Board, according to the circumstances of the case (in this Act referred to as the confirming authority), may from time to time require:

If, on consideration of the petition and on proof of the publication of the proper advertisements and the service of the proper notices, the confirming authority think fit to proceed with the case, they shall direct a local inquiry to be held in, or in the vicinity of, the area to which the scheme relates, for the purpose of ascertaining the correctness of the official representation made as to the area and the sufficiency of the scheme provided for its improvement, and any local objections to be made to such scheme:

After receiving the report made upon such inquiry, the confirming authority may make a provisional order declaring the limits of the area to which the scheme relates, and authorising such scheme to be carried into execution. Such provisional order may be made either absolutely or with such conditions and modifications of the scheme as the confirming authority may think fit, so that no addition be made to the lands proposed in the scheme to be taken compulsorily, and it shall be the duty of the local authority to serve a copy of any provisional order so made in the manner and upon the persons in which and upon whom notices in respect of lands proposed to be taken compulsorily are required by this Act to be served, except tenants for a month or a less period than a month.

A provisional order made in pursuance of this section shall not be of any validity until and unless it has been confirmed by Act of Parliament; and it shall be lawful for the confirming authority, as soon as conveniently may be, to obtain such confirmation, and any provisional order made in pursuance of this

Act, when confirmed by Parliament, with such modifications as may seem fit to Parliament, shall be deemed to be a Public General Act of Parliament, and is in this Act referred to as the confirming Act.

The confirming authority may make such order as they think fit in favour of any person whose lands were proposed by the scheme to be taken compulsorily for the allowance of the reasonable costs, charges, and expenses properly incurred by him in opposing such scheme.

All costs, charges, and expenses incurred by the confirming authority in relation to any provisional order under this Act shall, to such amount as the confirming authority think proper to direct, and all costs, charges, and expenses of any person to such amount as may be allowed to him by the confirming authority in pursuance of the aforesaid power, shall be deemed to be an expense incurred by the local authority under this Act, and shall be paid to the confirming authority and to such person respectively, in such manner and at such times and either in one sum or by instalments as the confirming authority may order, with power for the confirming authority to direct interest to be paid at such rate not exceeding five pounds in the hundred by the year as the confirming authority may determine, upon any sum for the time being due in respect of such costs, charges, and expenses as aforesaid.

Any order made by the confirming authority in pursuance of this section may be made a rule of one of Her Majesty's superior courts, and be enforced accordingly.

Costs to be awarded in certain cases.

7. Where any Bill for confirming a provisional order authorising an improvement scheme is referred to a Committee of either House of Parliament upon the petition of any person opposing such Bill, the Committee shall take into consideration the circumstances under which such opposition is made to the Bill, and whether such opposition was or was not justified by such circumstances, and shall award costs accordingly to be paid by the promoters or the opponents of the Bill as the Committee may think just.

Any costs under this section may be taxed and recovered in the manner in which costs may be taxed and recovered under the Act of the session of the twenty-eighth and twenty-ninth years of the reign of Her present Majesty, chapter twenty-seven.

The decision of the majority of the members of the Committee for the time being present and voting on any question under this section shall be deemed to be the decision of the Committee.

Inquiry on refusal of local authority to make an improvement scheme.

8. Where an official representation is made to the local authority with a view to their passing a resolution in favour of an improvement scheme, and they fail to pass any resolution in relation to such representation, or pass a resolution to the

effect that they will not proceed with such scheme, such local authority shall, as soon as possible, send a copy of the official representation, accompanied by their reasons for not acting upon it, to the confirming authority, and, upon the receipt thereof, the confirming authority may direct a local inquiry to be held, and a report to be made to them with respect to the correctness of the official representation made to the local authority, and any matters connected therewith on which the confirming authority may desire to be informed.

3. *Execution of Scheme by Local Authority.*

Duty of local authority to carry scheme, when confirmed, into execution.

9. When the confirming Act authorising any improvement scheme of a local authority under this Act has been passed by Parliament, it shall be the duty of that authority to take steps for purchasing the lands required for the scheme, and otherwise for carrying the scheme into execution as soon as practicable. They may sell or let all or any part of the area to which such scheme relates to any purchasers or lessees for the purposes and under the condition that such purchasers or lessees will, as respects the land so purchased by or leased to them, carry the scheme into execution; and in particular they may insert in any grant or lease of any part of the area provisions binding the grantee or lessee to build thereon as in the grant or lease prescribed, and to maintain and repair the buildings, and prohibiting the division of buildings, and any addition to or alteration of the character of buildings without the consent of the local authority, and for the re-vesting of the land in the local authority, or their re-entry thereon, on breach of any provision in the grant or lease. The local authority may also engage with any body of trustees, society or societies, persons or person, to carry the whole or any part of such scheme into effect upon such terms as the local authority may think expedient, but the local authority shall not themselves, without the express approval of the confirming authority, undertake the rebuilding of the houses or the execution of any part of the scheme, except that they may take down any or all of the buildings upon the area, and clear the whole or any part thereof, and may lay out, form, pave, sewer, and complete all such streets upon the land purchased by them as they may think fit, and all streets so laid out and completed shall thenceforth be public streets, repairable by the same authority as other streets in the district.

Provided that in any grant or lease of any part of the area which may be appropriated by the scheme for the erection of dwellings for the working classes, the local authority shall impose suitable conditions and restrictions as to the elevation, size, and design of the houses, and the extent of the accommodation to be afforded thereby, and shall make due provision for the maintenance of proper sanitary arrangements.

Provided also, that in any case in which the local authority erect any dwellings out of funds to be provided under this Act, they shall, unless the confirming authority shall otherwise determine, sell and dispose of all such dwellings within ten years from the time of the completion thereof.

The local authority may, where they think it expedient so to do, without themselves acquiring the land, or after or subject to their acquiring any part thereof, contract with the person entitled to the first estate of freehold in any land comprised in an improvement scheme for the carrying out of the scheme in respect of such land by such person.

Completion of scheme on failure by local authority.

10. If within five years after the removal of any buildings on the land set aside by any provisional order as sites for working men's dwellings the local authority have failed to sell or let such land for the purposes prescribed by the scheme, or have failed to make arrangements for the erection of the said dwellings, the confirming authority may order the said land to be sold by public auction or public tender, with full power to fix a reserve price, subject to the conditions imposed by the scheme, and to any modifications thereof which may be made in pursuance of this Act, and to a special condition on the part of the purchaser to erect upon the said land dwellings for the working classes, in accordance with plans to be approved by the local authority, and subject to such other reservations and regulations as the confirming authority may deem necessary.

Notice to occupiers by placards.

11. The local authority shall, not less than thirteen weeks before taking any fifteen houses or more, make known their intention to take the same by placards, handbills, or other general notices placed in public view upon or within a reasonable distance of such houses, and the local authority shall not take any such houses until they have obtained a certificate of a justice of the peace that it has been proved to his satisfaction that the local authority have made known, in manner required by this section, their intention to take such houses.

Power of confirming authority to modify authorised scheme.

12. The confirming authority, on application from the local authority, and on its being proved to their satisfaction that an improvement can be made in the details of any scheme, and that due provision has been made or secured for the accommodation in suitable dwellings of as many persons of the working class as may be displaced in the area to which such scheme relates, either in manner provided by the scheme or in some other manner, or will be more advantageously made or secured under the proposed alteration, may permit the local authority to modify any part of an improvement scheme authorised by the confirming Act which it may appear inexpedient to carry into execution in accordance with such Act.

A statement of any modifications permitted to be made in any part of an improvement scheme in pursuance of this section shall be laid by the confirming authority before both

Houses of Parliament as soon as practicable after they are made, if Parliament be then sitting, and if not, within one month after the next meeting of Parliament: Provided always, that if such modification or alteration shall require a larger public expenditure than that sanctioned by the former scheme, or the taking of any property otherwise than by agreement, or shall affect injuriously other property in a manner different to that proposed in the former scheme without the consent of the owner and occupier of any such property, it must be made by a provisional order to be confirmed by Act of Parliament in the manner provided in section six of this Act on the completion of an improvement scheme.

PART II.

PROVISIONS ANCILLARY TO IMPROVEMENT SCHEME.

As to Local Authority.

1. *Medical Officer.*

Medical officer of health in Metropolis.

13. The Metropolitan Board of Works may, with the assent of a Secretary of State, at any time appoint one or more legally qualified medical practitioner or practitioners, with such remuneration as they think fit, for the purpose of better carrying into effect this Act in the Metropolis. Any officer so appointed by the Metropolitan Board of Works shall be deemed to be a medical officer of health of a local authority within the meaning of this Act, and shall perform the duties and be subject to the liabilities which such medical officer is by this Act required to perform and be subject to.

Provision in case of absence of medical officer of health.

14. In case of the illness or unavoidable absence of the medical officer of health, the district board, vestry, or local authority, as the case may be, may (subject to the approval of the confirming authority) appoint a duly qualified medical practitioner, who shall for the period of six calendar months, or any less period to be named in the appointment, have and perform all the powers and duties of a medical officer of health under this Act.

Inquiry on default of medical officer in certain cases.

15. Where twelve or more ratepayers have complained to a medical officer of the unhealthiness of any area within the jurisdiction of such officer, and the medical officer has failed to inspect such area, or to make an official representation with respect thereto, or has made an official representation to the effect that in his opinion the area is not an unhealthy area, such ratepayers may appeal to the confirming authority, and, upon their giving security to the satisfaction of that authority for costs, the confirming authority shall appoint a medical officer to inspect such area and to make representation to the

confirming authority, stating the facts of the case, and whether, in his opinion, the area is an unhealthy area or not an unhealthy area. The representation so made shall be transmitted by the confirming authority to the local authority, and if it state that the area is an unhealthy area the local authority shall proceed therein in the same manner as if it were an official representation made to that authority.

The confirming authority shall make such order as to the costs of the inquiry as they think just, with power to require the whole or any part of such costs to be paid by the appellants where the officer appointed is of opinion that the area is not an unhealthy area, and to declare the whole or any part of such costs to be payable by the local authority where such officer is of opinion that the area is an unhealthy area.

Any order made by the confirming authority in pursuance of this section may be made a rule of one of Her Majesty's superior courts, and be enforced accordingly.

2. *Local Inquiry.*

Proceedings on local inquiry.

16. Where a local inquiry is directed, an officer shall be sent by the confirming authority to the area to which such inquiry relates for the purpose of making an inquiry into the correctness of the official representation made to the local authority as to such area being an unhealthy area, and into the sufficiency of the scheme provided for its improvement, and into any local objections to be made to such scheme.

Notice of inquiry to be publicly given.

17. Before commencing such inquiry the officer appointed to conduct the same shall make public by advertisement or otherwise in such manner as he thinks best calculated to give information to the persons residing in the area his intention to make such inquiry, and a statement of a time and place at which he will be prepared to hear all persons desirous of being heard before him upon the subject of the inquiry.

Power to administer oath.

18. The officer conducting such inquiry shall have power to administer an oath; he shall report the result of the inquiry to the confirming authority, who shall deal with such report in such manner as they think expedient.

3. *Acquisition of Land.*

Acquisition of land.

19. (1.) The clauses of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of lands otherwise than by agreement shall not, except to the extent set forth in the schedule hereto, apply to any lands taken in pursuance of this Act, but save as aforesaid the said Lands Clauses Consolidation Act, 1845, and the Lands Clauses Consolidation Acts Amendment Act, 1860, as amended by the provisions contained in the schedule hereto, shall regulate and apply to the purchase and taking of lands in England, and

shall for that purpose be deemed to form part of this Act in the same manner as if they were enacted in the body thereof; and (2.) "The Lands Clauses Consolidation Act, 1845," as amended by "The Lands Clauses Consolidation Act, 1860," "The Railways Act (Ireland), 1851," "The Railways Act (Ireland), 1860," "The Railways Act (Ireland), 1864," and "The Railways Traverse Act," shall, subject to the provisions following, regulate and apply to the purchase and taking of lands in Ireland, and shall for this purpose be deemed to form part of this Act, in the same manner as if they were enacted in the body hereof,

Subject, as respects both England and Ireland, to the provisions following; that is to say,

(1.) This Act shall authorise the taking by agreement any lands which the local authority may require for the purpose of carrying into effect the scheme authorised by any confirming Act, but it shall authorise the taking by the exercise of any compulsory powers of such lands only as are proposed by the scheme in the confirming Act to be taken compulsorily:

(2.) Whenever the compensation payable in respect of any lands or of any interests in any lands proposed to be taken compulsorily in pursuance of this Act requires to be assessed, the estimate of the value of such lands or interests shall be based upon the fair market value, as estimated at the time of the valuation being made of such lands, and of the several interests in such lands, due regard being had to the nature and then condition of the property, and the probable duration of the buildings in their existing state, and to the state of repair thereof, and all circumstances affecting such value, without any additional allowance in respect of the compulsory purchase of an area or of any part of an area in respect of which an official representation has been made, or of any lands which in the opinion of the arbitrator have been included in a scheme as falling under the description of property named in the third section of this Act:

(3.) In the construction of the said Lands Clauses Consolidation Acts, and the provisions in the said schedule, this Act shall be deemed to be the special Act, and the local authority shall be deemed to be the promoters of the undertaking; and the period after which the powers for the compulsory purchase or taking of lands shall not be exercised shall be three years after the passing of the confirming Act.

Extinction of rights of way and other easements.

20. Upon the purchase by the local authority of any lands required for the purpose of carrying into effect any scheme authorised by a confirming Act, all rights of way, rights of

laying down or of continuing any pipes, sewers, or drains on, through, or under such lands, or part thereof, and all other rights or easements in or relating to such lands, or any part thereof, shall be extinguished, and all the soil of such ways, and the property in the pipes, sewers, or drains, shall vest in the local authority, subject to this provision, that compensation shall be paid by the local authority to any persons or bodies of persons proved to have sustained loss by this section, and such compensation shall be determined in the manner in which compensation for lands is determinable under this Act, or as near thereto as circumstances admit.

4. *Expenses.*

Formation of improvement fund for purposes of this Act.

21. A separate account shall be kept by the local authority of their receipts and expenditure in respect of any transactions under this Act. Their receipts shall form a fund (in this Act referred to as "The Dwelling-house Improvement Fund"), and their expenditure shall be made out of such fund.

The moneys required in the first instance to establish such fund, and any deficiency for the purposes of this Act from time to time appearing in such fund by reason of the excess of expenditure over receipts, shall be supplied out of the local rates or out of moneys borrowed in pursuance of this Act.

In settling any accounts of the local authority in respect of any transactions under this Act, care shall be taken that as far as may be practicable all expenditure shall ultimately be defrayed out of the property dealt with under this Act; and any balances of profit made by the local authority under this Act shall be applicable to any purposes to which the local rates are for the time being applicable

The local rates shall, in the case of the Commissioners of Sewers, mean the sewer rate and the consolidated rate leviable by such Commissioners, or either of such rates.

The Metropolitan Board of Works shall levy as part of the metropolitan consolidated rate within the area of the metropolis, without making any demand on the city of London, a sufficient amount for the purposes of this Act, and the part so levied shall, for the purposes of this Act, in the case of the Metropolitan Board of Works, be referred to and included under the expression "local rates."

The "local rates" shall in the case of an urban sanitary authority mean all or any rates or rate levied throughout the district of such authority, and out of which the local authority is authorised to pay any expenses incurred under the Sanitary Acts, as defined by the Public Health Act, 1872, and by the Public Health (Ireland) Act, 1874

The local authority may carry to the account of the Dwelling-house Improvement Fund any moneys or the produce of any property, which moneys or produce are or is legally

applicable to purposes similar to the purposes of this Act; and in case of doubt as to whether, in any particular case, the purposes are similar to the purposes of this Act, it shall be lawful for the confirming authority to decide such question, and such decision shall be conclusive.

Power of borrowing money for the purposes of the Act.

22. Any local authority under this Act may for the purposes of this Act borrow any moneys on the security of any lands, houses, or other property acquired by them under this Act, and may mortgage such lands, houses, or other property to any person advancing such moneys, and it shall not be in any way incumbent on the mortgagees to see to the application of such moneys, nor shall they be responsible for the misapplication thereof.

Every local authority borrowing on the credit of such lands, houses, or other property as aforesaid may pay out of local rates the interest of any moneys so borrowed by them.

Any local authority under this Act borrowing any moneys on the security of any lands, houses, or other property as aforesaid may execute such instruments by way of security, with such power of sale and other conditions as they think expedient.

An urban sanitary authority shall have the same power of borrowing on the credit of the local rates such sums of money as they may require for the purposes of this Act as they have under section forty of the Public Health Act, 1872, or under the Public Health (Ireland) Act, 1874, for sanitary purposes.

The Commissioners of Sewers may borrow and take up at interest such money on the credit of the local rates, or any of them, as they may require for the purposes of this Act, and may mortgage any such rate or rates to the persons by or on behalf of whom such money is advanced for securing the repayment to them of the sums borrowed, with interest thereon, and for the purposes of any mortgages so made by the Commissioners of Sewers the clauses of the Commissioners Clauses Act, 1847, with respect to the mortgages to be executed by the commissioners shall be incorporated with this Act; and in the construction of that Act "the special Act" shall mean this Act, "the commissioners" shall mean the Commissioners of Sewers; "the clerk of the commissioners" shall include any officer appointed for the purpose by the Commissioners of Sewers by this Act; and the mortgagees or assignees of any mortgage made as last aforesaid may enforce payment of the arrears of principal and interest due to them by the appointment of a receiver.

The Metropolitan Board of Works may, with the assent of the Treasury, create consolidated stock under the Metropolitan Board of Works (Loans) Act, 1869, for the purpose of raising such sums as they may require for the purposes of this Act, but there shall be repaid to the consolidated rate out of the

local rate all moneys required for payment of the dividends on and the redemption of the consolidated stock created for the purposes of this Act.

The Public Works Loan Commissioners, or, in the case of Ireland, the Commissioners of Public Works, acting with the consent of the Treasury, may, on the recommendation of the confirming authority, lend to any local authority any money required by them for purposes of this Act, on the security, in the case of the Metropolitan Board of Works, of consolidated stock created under the Metropolitan Board of Works (Loans) Act, 1869, and in any other case on the security of the local rates. Such loan shall be repaid within such period, not exceeding fifty years, as may be recommended by the confirming authority, and shall bear interest at the rate of three and a half per cent. per annum, or such higher rate as may in the judgment of the Treasury be necessary to enable the loan to be made without loss to the Exchequer.

Any limit imposed on or in respect of local rates by any Act of Parliament other than this Act shall not apply to any rate required to be levied for the purpose of defraying any expenses under this Act.

Audit of accounts.

23. The accounts of the Commissioners of Sewers and the accounts of the Metropolitan Board of Works under this Act shall respectively be audited in the same manner and with the same power in the officers auditing the same in which the accounts of those bodies, when acting in their capacities of Commissioners of Sewers and Metropolitan Board of Works, are for the time being required to be audited by law.

The accounts of an urban sanitary authority under this Act shall be audited in the same manner and with the same power in the officers auditing the same in which the accounts of that authority in its character of sanitary authority are for the time being required to be audited by law.

PART III.

GENERAL PROVISIONS.

Provision where local authority has no seal.

24. Any petition or document proceeding from a local authority may be authenticated by their seal where such authority have a seal, and in any other case by the signature of any two or more members of the local authority, or in such other manner as the confirming authority may require.

Notices.

Service of notice on the local authority.

25. Any notice required to be served upon the local authority may be lawfully served by delivering the same to the clerk of the local authority, or leaving the same at his office with some person employed there by him.

26. The confirming authority may from time to time by order prescribe the forms of advertisements and notices under this Act; it shall not be obligatory on any persons to adopt such forms, but the same, when adopted, shall be deemed sufficient for all the purposes of this Act.

Power of confirming authority as to advertisements and notices.

27. The confirming authority may, on the consideration of any petition of a local authority for an order confirming a scheme, dispense with the publication of any advertisement, or the service of any notice, proof of which publication or service is not given to them as required by this Act, where reasonable cause is shown to their satisfaction why such publication or service should be dispensed with, and such dispensation may be made by the confirming authority, either unconditionally or upon such condition as to the publication of other advertisements and the service of other notices or otherwise as the confirming authority may think fit, due care being taken by the confirming authority to prevent the interest of any person being prejudiced by the fact of the publication of any advertisement or the service of any notice being dispensed with in pursuance of this section.

Power of confirming authority to dispense with notices in certain cases.

28. Any notice served by the local authority for the purposes of this Act may be signed by the clerk of the local authority.

Authentication of notices served by the local authority.

Penalties.

29. Where any person obstructs the officer of health or any officer of the local or confirming authority acting in the performance of anything which the local or confirming authority are by this Act required or authorised to do, every person so offending shall, on summary conviction, for every such offence forfeit a sum not exceeding twenty pounds.

Penalty for obstructing officers in execution of Act.

Saving Clauses.

30. Where in any place to which this Act applies, any local Act is in force providing for objects the same as or similar to the objects of this Act, the enactments of such local Act may be enforced at the discretion of the local authority either instead of or in concurrence with this Act; provided that the local authority of any place to which this Act applies shall not, by reason of any local Act within its jurisdiction, be exempted from the performance of any duty or obligation to which such authority are subject under this Act.

Relation of local Acts to general Acts.

Definitions.

31. The expressions herein-after mentioned shall respectively have the meanings hereby assigned to them, unless there is something in the context inconsistent with such meanings; that is to say,

Definitions of terms of Act.

"Secretary of State" means one of Her Majesty's Principal Secretaries of State:

"Secretary of State."

"Person." "Person" shall include a body of persons, corporate or unincorporate:

"Lands." "Lands" shall include messuages, lands, tenements, and hereditaments of any tenure, and any right over land:

"The city of London" "The city of London" shall include the liberties thereof:

"The Metropolis." "The Metropolis" shall not include the city of London or the liberties thereof, but shall include all other parishes or places within the jurisdiction of the Metropolitan Board of Works:

"A district board or vestry." "A district board or vestry" within the Metropolis means a district board or vestry as incorporated by the Metropolis Management Act, 1855:

"Medical officer of health." "Medical officer of health" shall, in the case of Ireland, mean consulting sanitary officer:

"Local Government Board." "Local Government Board" shall, in the case of Ireland, mean Local Government Board of Ireland:

"Clerk of local authority." "Clerk of local authority" shall, in the case of Ireland, mean executive sanitary officer and acting clerk:

"Superior courts." "Superior courts" shall mean, in the case of Ireland, Her Majesty's superior courts in Ireland:

"The Treasury." "The Treasury" shall mean the Lords Commissioners of the Treasury, or any two of them:

"This Act." "This Act" includes any confirming Act as herein-before defined.

SCHEDULE.

PROVISIONS WITH RESPECT TO THE PURCHASE AND TAKING OF LANDS IN ENGLAND OTHERWISE THAN BY AGREEMENT, AND OTHERWISE AMENDING THE LANDS CLAUSES ACT, 1845.

Deposit of Maps and Plans.

(1.) The local authority shall as soon as practicable after the passing of the confirming Act cause to be made out, and to be signed by their clerk or some other principal officer appointed by them, maps and schedules of all lands proposed to be taken compulsorily, (which lands are herein-after referred to as the scheduled lands,) together with the names, so far as the same can be reasonably ascertained, of all persons interested in such lands as owners or reputed owners, lessees or reputed lessees, or occupiers.

(2.) The maps made by the local authority shall be upon such scale and be framed in such manner as may be prescribed by the confirming authority.

(3.) The local authority shall deposit such maps and schedules at the office of the confirming authority, and shall deposit and keep copies of such maps and schedules at the office of the local authority.

Appointment of Arbitrator.

(4.) After such deposit at the office of the confirming authority as aforesaid, it shall be lawful for the confirming authority, upon the application of the local authority, to appoint an arbitrator between the local authority and the persons interested in such of the scheduled lands, or lands injuriously affected by the execution of such scheme, so far as compensation for the same has not been made the subject of agreement.

Proceedings on Arbitration.

(5.) Before any arbitrator enters upon any inquiry he shall, in the presence of a justice of the peace, make and subscribe the following declaration; that is to say,

'I *A.B.* do solemnly and sincerely declare, that I will faithfully 'and honestly, and to the best of my skill and ability, hear and 'determine the matters referred to me under the provisions of the 'Artizans and Labourers Dwellings Improvement Act, 1875.

'*A.B.*

'Made and subscribed in the presence of .'

And such declaration shall be annexed to the award when made; and if any arbitrator, having made such declaration, wilfully act contrary thereto, he shall be guilty of a misdemeanor.

(6.) As soon as an arbitrator has been appointed as aforesaid, the confirming authority shall deliver to him the maps and schedules deposited at their office, and the local authority shall publish once in each of three successive weeks the following particulars:—

(*a.*) The appointment of the arbitrator:

(*b.*) The deposit at the office of the local authority of the copies of such maps and schedules as aforesaid, with a description of the situation of such office, and a statement of the time at which such copies may be inspected by any person desirous of inspecting the same:

(*c.*) A requisition directing the owners of or parties by this Act enabled to sell and convey or release any of the said scheduled lands, or any lands injuriously affected by the execution of the scheme of the local authority or any interest in such lands, to deliver to the arbitrator, on or before a day fixed by the arbitrator and named in such requisition, (and being a day not earlier than twenty-one days from the date of the insertion of the last of such notices,) a short statement in writing of the nature of their respective claims.

(7.) The arbitrator shall, after the expiration of the period within which such claims are required to be delivered to him as aforesaid, and so far as such claims may not be settled by agreement, proceed to inquire into and adjudicate according to the basis provided in this Act upon the compensation to be paid in respect of the scheduled lands, and of the several interests in such lands, and the compensation to be made for injury to any lands as are mentioned in his appointment injuriously affected by the execution of the scheme of the local authority.

(8.) The arbitrator shall, after due inquiry and examination, frame a provisional award, setting forth the compensation to be paid by the local authority in respect of the several interests in the said scheduled lands, and also, where any inquiry relates to injury to any

lands injuriously affected by the execution of the scheme of the local authority, the compensation payable in respect of such injury.

(9.) The provisional award shall be deposited at the office of the confirming authority, and a copy shall be deposited at the office of the local authority.

(10.) The arbitrator shall cause notice of such award to be given to all persons entitled to compensation under the same, or who have made a claim before such arbitrator as claimants for compensation; the arbitrator shall cause notice to be published once in each of three successive weeks, stating that a copy of the provisional award has been deposited at the office of the local authority, and he shall in the notice of the award given to such persons as aforesaid, and also in the published notice, appoint a time and place, or times and places, for holding a meeting or meetings to hear objections against such provisional award (the first such meeting to be not earlier than twenty-one days after the last day of publication of the said notice).

(11.) The arbitrator shall hold such meeting or meetings according to such notices, and thereat hear and determine any objections which may then and there be made to such provisional award by any person interested therein, or adjourn the further hearing thereof, if the arbitrator see fit, to a future meeting, and may take any measures which he may deem proper for ascertaining the compensation payable in respect of any such lands or interests as aforesaid, or the justice or propriety of any other matter of such provisional award, and may from time to time, if he see occasion, appoint and hold further meetings for hearing and determining objections to such provisional award, of which further meetings, when not holden by adjournment, notice shall be given in manner herein-before directed.

(12.) When the arbitrator has heard and determined all such objections, and made such inquiries as he may think necessary in relation thereto, and made such alterations (if any) as he may deem proper in the provisional award, he shall confirm such award under his hand and seal accordingly; and thereupon such award shall be final, and be binding and conclusive (subject to the provisions concerning an appeal herein-after contained) upon all persons whomsoever, and no such award shall be set aside for irregularity in matter of form.

(13.) Such final award as aforesaid shall be deposited at the office of the confirming authority, and a copy thereof shall be deposited at the office of the local authority, and the local authority shall thereupon publish once in each of three successive weeks notice of the deposit having been made at the office of the local authority of a copy of the award so confirmed, and a further notice requiring all persons claiming to have any right to or interest in the lands (the compensation to be paid in respect of which is ascertained by such award) to deliver to the local authority, on or before a day to be named in such notice (such day not being earlier than twenty-one days from the date of the last publication of the notice), a short statement in writing of the nature of such claim, and a short abstract of the title on which the same is founded; and such statement and abstract shall be paid for by the local authority. Such abstract of title, in the case of a person claiming a fee simple interest in the land, shall commence twenty years previous to the date of the claim, except there has been an absolute conveyance on sale within twenty years, and more than ten years, previous to the claim when the abstract shall commence with such conveyance.

Payment of Purchase Money.

(14.) Within thirty days from the delivery of such statement and abstract as aforesaid to the local authority, the local authority shall, where it appears to them that any person so claiming is absolutely entitled to the lands, estate, or interest claimed by him, deliver to such person, on demand, a certificate stating the amount of the compensation to which he is entitled under the said award.

(15.) Every such certificate shall be prepared by and at the costs of the local authority; and where any agreement has been entered into as to the compensation payable in respect of the interest of any person in any lands, the local authority may, where it appears to them that such person is absolutely entitled, deliver to such person a like certificate.

(16.) The local authority shall, thirty days after demand, pay to the party to whom any such certificate is given, or otherwise as herein provided in the cases herein-after mentioned, the amount of moneys specified to be payable by such certificate to the party to whom or in whose favour such certificate is given, his or her executors, administrators, or assigns.

(17.) If the local authority wilfully make default in such payment as aforesaid, then the party named in such certificate shall be entitled to enter up judgment against the local authority in any of Her Majesty's superior courts of law at Westminster, or in any court to which the jurisdiction of such courts may be transferred, for the amount of the sums specified in such certificate, in the same manner in all respects as if he had been, by warrant of attorney from the local authority, authorised to enter up judgment for the amount mentioned in the certificate, with costs, as is usual in like cases; and all moneys payable under such certificates, or to be recovered by such judgments as aforesaid, shall at law and in equity be taken as personal estate as from the time of the local authority entering on any such lands as aforesaid.

(18.) When and so soon as the local authority have paid to the party to whom any such certificate as aforesaid is given, or otherwise, as herein provided, in the cases herein-after mentioned, the amount specified to be payable by such certificate to the party to whom or in whose favour the certificate is given, his executors, administrators, or assigns, it shall be lawful for the local authority, upon obtaining such receipt as herein-after mentioned, from time to time to enter upon any lands in respect of which such certificate is given, and thenceforth to hold the same for the estate or interest in respect of which the amount specified in such certificate was payable.

(19.) In every case in which any moneys are paid by any local authority under this Act, for such compensation as aforesaid, the party receiving such moneys shall give to the local authority a receipt for the same, and such receipt shall have the effect of a grant, release, and conveyance of all the estate and interest of such party, and of all parties claiming under or through him, in the lands in respect of which such moneys are paid, provided such receipt has an ad valorem stamp of the same amount impressed thereon in respect of the purchase moneys mentioned in such certificate as would have been necessary if such receipt had been an actual conveyance of such estate or interest, every such receipt to be prepared by and at the costs of the local authority.

(20.) If it appear to the local authority, from any such statement and abstract as aforesaid, or otherwise, that the party making any such claim as aforesaid is not absolutely entitled to the lands, estate, or interest in respect of which his claim is made, or is under any disability, or if the title to such lands, estate, or interest be not satisfactorily deduced to the local authority, then and in every such case the amount to be paid by the local authority in respect of such lands, estate, or interest as aforesaid shall be paid and applied as provided by the clauses of "The Lands Clauses Consolidation Act, 1845," as amended by "The Court of Chancery Funds Act, 1872," "with "respect to the purchase money or compensation coming to parties "having limited interests, or prevented from treating, or not making "title."

(21.) Where any person claiming any right or interest in any lands refuses to produce his title to the same, or where the local authority have under the provisions of this Act taken possession of any lands in respect of the compensation whereof, or of any estate or interest wherein, no claim has been made within one year from the time of the local authority taking possession, or if any party to whom any such certificate has been given or tendered refuses to receive such certificate, or to accept the amount therein specified as payable to him, then and in any such case the amount payable by the local authority in respect of such lands, estate, or interest, or the amount specified in such certificate, shall be paid into the Bank of England, in manner provided by the last-mentioned clauses of "The Lands Clauses Consolidation Act, 1845," as amended by "The Court of "Chancery Funds Act, 1872," and the amount so paid into the said Bank shall be accordingly dealt with as by the said Act provided.

(22.) Nothing herein contained shall prevent the local authority from requiring any further abstract or evidence of title respecting any lands included in any such award as aforesaid, in addition to the abstract or statement herein-before mentioned, if they think fit, so as the same be obtained at the costs of the local authority.

(23.) If from any reason whatever the local authority does not deliver the certificate aforesaid to any party claiming to be entitled to any interest in any lands the possession whereof has been taken by the local authority as aforesaid, then the right to have a certificate according to the provisions of this Act may, at the costs and charges of the local authority, be enforced by any party or parties, by application to the High Court of Chancery, or any court to which the jurisdiction of the High Court of Chancery may be transferred, in a summary way by petition, and all other rights and interests of any party or parties arising under the provisions of this Act may be in like manner enforced against the local authority by such application as aforesaid.

Entry on Lands on making Deposit.

(24.) Where the local authority are desirous, for the purposes of their works, of entering upon any lands before they would be entitled to enter thereon under the provisions herein-before contained, it shall be lawful for the local authority, at any time, after the arbitrator has framed his provisional award, upon depositing in the Bank of England such sum as the arbitrator may certify to be in his opinion the proper amount to be so deposited in respect of any lands authorised to be purchased or taken by the local authority, and mentioned in such provisional award, to enter upon and use such lands for the pur-

poses of the improvement scheme of the local authority; and the arbitrator shall, upon the request of the local authority, at any time after he has framed such provisional award, certify under his hand the sum which, in his opinion, should be so deposited by the local authority in respect of any lands mentioned in such provisional award before they enter upon and use the same as aforesaid, and the sum to be so certified shall be the sum or the amount of the several sums set forth in such provisional award as the sum or sums to be paid by the local authority in respect of such lands, or such greater amount as to the arbitrator, under the circumstances of the case, may seem proper; and, notwithstanding such entry as aforesaid, all proceedings for and in relation to the completion of the award, the delivery of certificates, and other proceedings under this Act, shall be had, and payments made, as if such entry and deposit had not been made; provided that the local authority shall, where they enter upon any lands by virtue of this present provision, pay interest at the rate of five pounds per centum per annum upon the compensation money payable by them in respect of any lands so entered upon, from the time of their entry until the time of the payment of such money and interest to the party entitled thereto, or where, under the provisions of this Act, such compensation is required to be paid into the said Bank, then until the same, with such interest, is paid into such Bank accordingly; and where under this provision interest is payable on any compensation money the certificate to be delivered by the local authority in respect thereof shall specify that interest is so payable, and the same shall be recoverable in like manner as the principal money mentioned in such certificate.

(25.) The money so deposited as last aforesaid shall be paid into the Bank of England to such account as may from time to time be directed by any regulation or Act for the time being in force in relation to moneys deposited in the Bank in similar cases, or to such account as may be directed by any order of the Court of Chancery, or of any court to whom the powers of the Court of Chancery may be transferred, and remain in the Bank by way of security to the parties interested in the lands which have been so entered upon, for the payment of the money to become payable by the local authority in respect thereof under the award of the arbitrator; and the money so deposited may, on the application by petition of the local authority, be ordered to be invested in Bank Annuities or Government securities, and accumulated; and upon such payment as aforesaid by the local authority it shall be lawful for the Court of Chancery, or any other court to which the jurisdiction of the Court of Chancery may be transferred, upon a like application, to order the money so deposited, or the funds in which the same shall have been invested, together with the accumulation thereof, to be repaid or transferred to the local authority, or, in default of such payment as aforesaid by the local authority, it shall be lawful for the said court to order the same to be applied in such manner as it thinks fit for the benefit of the parties for whose security the same shall so have been deposited.

Appeal.

(26.) Where the party named in any certificate issued under the provisions herein-before contained of the amount of the compensation ascertained by any award under this Act (or any party claiming under the party so named) is dissatisfied with the amount in such certificate

certified to be payable, and such amount exceeds five hundred pounds, and

Where any party claiming any interest in any moneys so paid into court as aforesaid is dissatisfied with the amount of the price or compensation in respect of which such moneys are paid into court, and such amount exceeds five hundred pounds, also

Where the local authority is dissatisfied with the amount of compensation which the arbitrator appointed under the provisions of this Act has awarded to be paid by the local authority to any person in respect of any estate or interest in lands, and such amount exceed the sum of five hundred pounds;

The party dissatisfied may submit the question of the proper amount of compensation to a jury, provided that such party give notice in writing to the other party of their intention to appeal within ten days after the cause of appeal has arisen.

The cause of appeal shall be deemed to have arisen,—

(1.) Where a certificate has been issued as aforesaid at the date of the issue of the certificate:

(2.) Where moneys have been paid into court, at the date of the payment into court:

(3.) Where the local authority appeals, at the date of the making of the final award.

(27.) Where a notice has been given under this Act of an appeal to a jury in respect of compensation for land, or any interest in land, a question of disputed compensation required to be determined by the verdict of a jury shall be deemed to have arisen within the meaning of the Lands Clauses Consolidation Act, 1845, and all the provisions of that Act contained in sections thirty-eight to fifty-seven, both inclusive, shall be deemed to apply, except sections forty-seven and fifty-one: Provided also, that,—

(1.) Where the local authority appeals, that authority shall be deemed to be the plaintiff, and the party entitled to compensation to be the defendant; and

(2.) Where the party claiming compensation appeals, then, in case the verdict of the jury is for a sum exceeding the award of the arbitrator, the local authority shall pay to such party the costs of the trial, such costs to be taxed and ascertained in the same manner as costs are by law ascertained on the trial of issues tried in the Court of Queen's Bench, or any court to which the jurisdiction of the Court of Queen's Bench may be transferred; but in case the verdict of the jury is for a sum not exceeding the award of the arbitrator, the party appealing shall pay to the local authority the costs of the trial to be taxed and ascertained in manner aforesaid.

(3.) Where the local authority is the appellant,—

(1.) Notwithstanding the verdict of the jury may be for a sum less than that awarded by the arbitrator, the local authority shall pay to the other party such sum not exceeding twenty pounds for the costs of the trial as the sheriff or other officer before whom the same is tried shall direct; and,

(2.) In case the verdict of the jury is for a sum equal to or exceeding the award of the arbitrator, the local authority shall pay to the other party the costs of the trial, such costs to be taxed and ascertained in manner aforesaid.

(4.) The amount of compensation awarded by the arbitrator shall not be communicated to the jury, but they shall be required to make an independent assessment of the amount of compensation to which the party claiming compensation is entitled.

Costs of Arbitration.

(28.) The salary or remuneration, travelling and other expenses of the arbitrator, and all costs, charges, and expenses (if any) which may be incurred by the confirming authority in carrying the provisions of this Act into execution, shall be paid by the local authority; and the amount of such costs, charges, and expenses shall from time to time be certified by the confirming authority after first hearing any objections that may be made to the reasonableness of any such costs, charges, and expenses by or on behalf of the local authority; and every certificate of the said confirming authority certifying the amount of such costs, charges, and expenses shall be taken as proof in all proceedings at law or in equity of the amount of such respective costs charges, and expenses, and the amount so certified shall be a debt due from the local authority to the Crown, and shall be recoverable accordingly. Further, any such certificate may be made a rule of one of the superior courts of law on the application of any party named therein, and may be enforced accordingly.

(29.) It shall be lawful for the arbitrator, where he thinks fit, upon the request of any party by whom any claim has been made before him, to certify the amount of the costs properly incurred by such party in relation to the arbitration, and the amount of the costs so certified shall be paid by the local authority; and if within seven days after demand the amount so certified be not paid to the party entitled to receive the same, such amount shall be recoverable as a debt from such local authority, with interest at the rate of five per cent. for any time during which the same remains unpaid after such seven days as aforesaid, but no such certificate shall be given where the arbitrator has awarded the same or a less sum than has been offered by the local authority in respect of such claim before the appointment of the arbitrator.

Miscellaneous.

(30.) The arbitrator may call for the production of any documents in the possession or power of the local authority, or of any party making any claim under the provisions of this Act, which such arbitrator may think necessary for determining any question or matter to be determined by him under this Act, and may examine any such party and his witnesses and the witnesses for the local authority, on oath, and administer the oaths necessary for that purpose.

(31.) If any arbitrator appointed in pursuance of this Act die, or refuse, decline, or become incapable to act, the confirming authority may appoint an arbitrator in his place, who shall have the same powers and authorities as the arbitrator first appointed; and upon the appointment of any arbitrator in the place of an arbitrator dying, or refusing, declining, or becoming incapable to act, all the documents relating to the matter of the arbitration which were in the possession of such arbitrator shall be delivered to the arbitrator appointed in his place, and the local authority shall publish notice of such appointment in the London Gazette.

(32.) All notices required by this schedule to be published shall be published in some one and the same newspaper circulating within the jurisdiction of the local authority, and where no other form of service is prescribed all notices required to be served or given by the local authority under this schedule or otherwise upon any persons interested in or entitled to sell lands, shall be served in manner in which notices of lands proposed to be taken compulsorily for the purpose of an improvement scheme are directed by this Act to be served upon owners or reputed owners, lessees or reputed lessees, and occupiers.

CHAPTER 37.

An Act to amend the Law relating to Juries in Ireland. [29th June 1875.]

WHEREAS the law relating to juries in Ireland was amended by "The Juries (Ireland) Act, 1873," but the time during which the provisions of the said Act should be in force and operation was by the said Act limited to the eleventh day of January one thousand eight hundred and seventy-five:

And whereas by "The Juries (Ireland) Act, 1874," the provisions of "The Juries (Ireland) Act, 1873," with the exception of sections three and eight, were continued in force and operation until the eleventh day of January one thousand eight hundred and seventy-six:

And whereas it is expedient that the said provisions so continued should continue in force and operation for a further limited time:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title

1. This Act may be cited for all purposes as "The Juries (Ireland) Act, 1875," and the Juries (Ireland) Acts, 1871 to 1874, and this Act shall be construed together as one Act, and the same may be cited for all purposes as "The Juries (Ireland) Acts, 1871 to 1875."

Certain provisions of 36 & 37 Vict. c. 27. continued

2. The provisions of "The Juries (Ireland) Act, 1873," with the exception of sections three and eight, shall continue in force and operation until the eleventh day of January one thousand eight hundred and seventy-seven, and the said provisions of the said Act hereby continued shall be read and construed as if the words "one thousand eight hundred and "seventy-seven" were therein inserted instead of the words "one thousand eight hundred and seventy-five," and as if the words "and in the years one thousand eight hundred and

"seventy-four and one thousand eight hundred and seventy-five" were inserted in section five of the said Act after the words "in the year one thousand eight hundred and seventy-three."

CHAPTER 38.

An Act to remove certain doubts with respect to the powers of the Parliament of Canada under section eighteen of the British North America Act, 1867.

[19th July 1875.]

WHEREAS by section eighteen of the British North America Act, 1867, it is provided as follows: "The "privileges, immunities, and powers to be held, enjoyed, and "exercised by the Senate and by the House of Commons, "and by the members thereof respectively, shall be such as "are from time to time defined by Act of the Parliament "of Canada, but so that the same shall never exceed those "at the passing of this Act held, enjoyed, and exercised by "the Commons House of Parliament of the United Kingdom "of Great Britain and Ireland, and by the members thereof:" 30 & 31 Vict. c. 3.

And whereas doubts have arisen with regard to the power of defining by an Act of the Parliament of Canada, in pursuance of the said section, the said privileges, powers, or immunities; and it is expedient to remove such doubts:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. Section eighteen of the British North America Act, 1867, is hereby repealed, without prejudice to anything done under that section, and the following section shall be substituted for the section so repealed. Substitution of new section for section 18 of 30 & 31 Vict. c. 3.

The privileges, immunities, and powers to be held, enjoyed, and exercised by the Senate and by the House of Commons, and by the members thereof respectively, shall be such as are from time to time defined by Act of the Parliament of Canada, but so that any Act of the Parliament of Canada defining such privileges, immunities, and powers shall not confer any privileges, immunities, or powers exceeding those at the passing of such Act held, enjoyed, and exercised by the Commons House of Parliament of the United Kingdom of Great Britain and Ireland, and by the members thereof.

2. The Act of the Parliament of Canada passed in the thirty-first year of the reign of Her present Majesty, chapter twenty-four, intituled "An Act to provide for oaths to wit- Confirmation of Act of Parliament of Canada.

31 & 32 Vict. c. 24.

" nesses being administered in certain cases for the purposes " of either House of Parliament," shall be deemed to be valid, and to have been valid as from the date at which the royal assent was given thereto by the Governor-General of the Dominion of Canada.

Short title.

3. This Act may be cited as the Parliament of Canada Act, 1875.

CHAPTER 39.

An Act to amend the provisions of the Metalliferous Mines Regulation Act, 1872, with respect to the annual Returns from Mines. [19th July 1875.]

35 & 36 Vict. c. 77.

WHEREAS by section ten of the Metalliferous Mines Regulation Act, 1872, the owner and agent of every mine was required to send annually such return as is mentioned in that section, and it is expedient to make further provision with respect to such return:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Returns by owners and agents of mines.

1. From and after the commencement of this Act, the owner or agent of every mine to which the Metalliferous Mines Regulation Act, 1872, applies shall, on or before the first day of February in every year, send to the inspector of the district on behalf of a Secretary of State a correct return, specifying, with respect to such mine, for the year ending on the preceding thirty-first day of December, the quantity in statute weight of the mineral dressed, and of the undressed mineral which has been sold, treated, or used, during that year, and the number of persons ordinarily employed in or about such mine, below ground and above ground, distinguishing those who are employed below ground and above ground, and distinguishing the different classes and ages of the persons so employed whose hours of labour are regulated by the Metalliferous Mines Regulation Act, 1872.

The return shall be in such form as may be from time to time prescribed by a Secretary of State, and the inspector of the district on behalf of a Secretary of State shall from time to time, on application, furnish forms for the purpose of such return.

Every owner or agent of a mine who fails to comply with this section, or makes any return which is to his knowledge false in any particular, shall be guilty of an offence against the Metalliferous Mines Regulation Act, 1872.

Provided that—

(1.) In any mine where not more than twelve persons are employed underground, the returns specifying the quantity of mineral produced shall be made by the barmaster or other local officer, if any, employed to collect the dues or royalty; and

(2.) Where there is such a barmaster or other officer the owner or agent of such mine shall not be required to send any return specifying the number of persons employed in or about such mine.

2. This Act shall come into operation on the second day of August one thousand eight hundred and seventy-five, which day is in this Act referred to as the commencement of this Act. **Commencement of Act.**

3. This Act shall be construed as one with the Metalliferous Mines Regulation Act, 1872, and that Act and this Act may be cited together as the Metalliferous Mines Regulation Acts, 1872 and 1875, and this Act may be cited separately as the Metalliferous Mines Regulation Act, 1875. **Short title and construction.**

4. Section ten of the Metalliferous Mines Regulation Act, 1872, is hereby repealed as from the commencement of this Act. **Repeal of section 10 of 35 & 36 Vict. c. 77.**

Provided that such repeal shall not affect anything done or suffered in pursuance of the said section, or any obligation or liability incurred under the said section, or any penalty incurred in respect of any offence committed against the said section, or any legal proceeding or remedy in respect of such liability or penalty; and any such legal proceeding or remedy may be carried on as if this Act had not passed.

CHAPTER 40.

An Act to amend the Law regulating Municipal Elections. [19th July 1875.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

1. The following provisions shall be enacted and apply to nominations at all municipal elections of councillors, auditors, and assessors after the passing of this Act: **Provisions applicable to municipal elections.**

1. Nine days at least before any such election the town clerk shall prepare, sign, and publish a notice in the form No. 1. set forth in the First Schedule to this Act, or to the like effect, by causing the same to be

placed on the door of the Town Hall, and in some conspicuous parts of the borough or ward for which any such election is to be held.

2. At any such election every candidate shall be nominated in writing; the writing shall be subscribed by two enrolled burgesses of such borough or ward as proposer and seconder, and by eight other enrolled burgesses of such borough or ward as assenting to the nomination. Each candidate shall be nominated by a separate nomination paper, but the same burgesses, or any of them, may subscribe as many nomination papers as there are vacancies to be filled, but no more. Every person nominated shall be enrolled on the burgess roll of the borough, or a person whose name is inserted in the separate list at the end of the burgess roll, as provided by section three of the Act thirty-two and thirty-three Victoria, chapter fifty-five, and shall be otherwise qualified to be elected. The nomination paper shall state the surname and other names of the person nominated, with his place of abode and description, and shall be in the form No. 2. set forth in the First Schedule to this Act, or to the like effect. And the town clerk shall provide nomination papers, and shall supply any enrolled burgess with as many nomination papers as may be required, and shall, at the request of any such person, fill up a nomination paper in manner prescribed by this Act.

3. Every nomination paper subscribed as aforesaid shall be delivered by the candidate himself, or his proposer or seconder, to the town clerk, seven days at least before the day of election, and before five o'clock in the afternoon of the last day on which any such nomination paper may by law be delivered; the town clerk shall forthwith send notice of such nomination to each person nominated. The mayor shall attend at the Town Hall on the day next after the last day for the delivery of nominations to the town clerk between the hours of two and four in the afternoon, and shall decide on the validity of every objection made to a nomination paper, such objection to be made in writing. The candidate nominated by each nomination paper, and one other person, appointed by or on behalf of the candidate as herein-after mentioned, and no person other than aforesaid, shall, except for the purpose of assisting the mayor, be entitled to attend such proceedings, and each candidate and the person appointed by him shall, during the time appointed for the attendance of the mayor for the purposes of this section have respectively power to object to the nomination paper of every person nominated at the same election.

The decision of the mayor, which shall be given in writing, shall, if disallowing any objection to a nomination paper, be final, but if allowing the same shall be subject to reversal on petition questioning the election or return. The appointment by or on behalf of candidates of persons as aforesaid shall be made in writing under the hand of the candidate, or, in case he is absent from the United Kingdom, then under the hand of his proposer or seconder, and shall be delivered to the town clerk before five o'clock in the afternoon of the last day on which nomination papers may by law be delivered.

The town clerk shall at least four days before the day of election cause the surnames and other names of all persons duly nominated, with their respective places of abode and descriptions, and the names of the persons subscribing their respective nomination papers as proposers and seconders, to be printed and placed on the door of the Town Hall, and in some conspicuous parts of the borough or ward for which such election is to be held.

4. Section eight of the Act of twenty-second Victoria, chapter thirty-five, so far as the same is now in force, shall apply to nominations of councillors, auditors, and assessors, duly made and allowed under this Act.

Section three of the Ballot Act, 1872, shall apply to nomination papers under this Act, and so applied, the word "returning officer" shall be taken to include town clerk in reference to the delivery of such nomination papers.

Candidates out of United Kingdom ineligible.

2. The nomination of a person who is absent from the United Kingdom shall be void, unless his written consent given within one month of the day of his nomination before two witnesses be produced at the time of his nomination.

Mayor to appoint officers for taking the poll.

3. At any municipal election of councillors, auditors, or assessors, the power and duty of the mayor, under section twenty of the Ballot Act of 1872, to provide everything which in the case of a parliamentary election is required to be provided by the returning officer for the purpose of a poll, shall (save as to the appointment of the alderman as returning officer for any ward) extend to the appointment of officers for taking the poll and counting the votes recorded at such election.

Amendment of law.

4. The provisions contained in rules 16 and 19 of the first schedule to the Ballot Act, 1872, shall not apply to any such election, but the mayor shall furnish every polling station with such number of compartments in which the voters can mark their votes screened from observation, and furnish each presiding officer with such number of ballot papers, as in the

judgment of the mayor shall be necessary for effectually taking the poll at such election in other respects in the manner provided by the Ballot Act, 1872. Where more candidates are nominated than there are vacancies to be supplied, the mayor shall at least four days before the day of election, give such public notice as may be required by law of the situation, division, and allotment of polling places for taking the poll at any municipal election, and of the description of persons entitled to vote thereat and at the several polling stations.

Conclusiveness of burgess roll.

5. At any municipal election a person shall not be entitled to sign or subscribe any nomination paper, or to vote, unless his name is on the burgess roll for the time being in force in the borough, or on the ward list for the time being in force for the ward, for which such election shall be held; and every person whose name is on such burgess roll or ward list, as the case may be, shall be entitled to sign or subscribe any nomination paper, and to demand and receive a ballot paper, and to vote; provided that nothing in this section shall entitle any person to do any of the acts aforesaid who is prohibited from doing such acts or any of them by law, or relieve such person from any penalties to which he may be liable for doing any such act.

One poll to be taken for auditors and assessors.

6. At the poll at any election of auditors and assessors one ballot paper only shall be used by any person voting. In such ballot paper the names of the candidates for the respective offices shall be separate, and distinguished so as to show the office for which they are respectively candidates, and the ballot paper shall be in the form No. 3. set forth in the First Schedule to this Act or to the like effect, and the provisions of the Ballot Act, 1872, shall at any such election be altered and varied accordingly; provided always, that in counting the votes every such ballot paper shall be deemed to be a separate ballot paper in respect of each office, and any objections thereto shall be considered and dealt with accordingly.

Withdrawal of candidates.

7. Where more candidates are nominated at any municipal election than there are vacancies to be filled at such election, any of such candidates may withdraw from his candidature by notice signed by him and delivered to the town clerk not later than two o'clock in the afternoon of the day next after the last day for the delivery of nomination papers to the town clerk; provided that such notices shall take effect in the order in which they are delivered to the town clerk, and that no such notice shall have effect so as to reduce the number of candidates ultimately standing nominated below the number of the vacancies to be filled.

Notices by mayor or town clerk may

8. Any notice required by law to be given or published by the mayor or other returning officer or town clerk in con-

nexion with any municipal election may, as to auditors and assessors, be comprised in one notice, and with respect to the election of councillors in any borough divided into wards, may comprise the matter necessary to such notice for the several wards in the borough, and it shall not be necessary to issue a separate notice for each ward.

comprise the several wards of borough.

9. Section eleven of the Act sixteenth and seventeenth Victoria, chapter seventy-nine, shall be read as if fourteen days were therein inserted instead of ten days, and the day for holding the election in the case of any extraordinary vacancy in the office of councillor, auditor, or assessor in any borough (whether such borough shall be divided into wards or not) shall be fixed by the mayor.

Time of holding election on extraordinary vacancies.

10. The town council of any borough may by order divide any such borough or any ward or wards of such borough into polling districts in such manner as they may think, most convenient for taking the votes of the burgesses at a poll, and the overseers shall so far as practicable, make out the lists of burgesses in such manner as to divide the names in conformity with such polling districts.

Power to town council to divide wards into polling places as they may think fit

11. In reckoning time for the purpose of this Act, Sunday, Christmas Day, Good Friday, and any day set apart for a public holiday, fast, or public thanksgiving, shall be excluded.

Computation of time under the Act.

12. The several Acts of Parliament mentioned in the Second Schedule to this Act shall be repealed to the extent specified in the third column of such schedule, but such repeal shall not affect the validity or invalidity of anything already done or suffered, or any remedy or proceeding in respect thereof, or the proof of any past act or thing.

Repeal of parts of Acts in Second Schedule.

13. This Act shall, as far as consistent with the tenor thereof, be construed as one with the Act fifth and sixth William the Fourth, chapter seventy-six, and the Acts amending the same, and the Acts for the time being in force relating to elections of councillors, auditors, and assessors in boroughs.

Act to be construed with Municipal Corporation Acts

14. This Act may for all purposes be cited as "The Municipal Elections Act, 1875."

Short title.

15. This Act shall continue in force for so long only as the Ballot Act, 1872, continues in force.

Duration of Act.

FIRST SCHEDULE.

FORM No. 1.

NOTICE.

Borough of . Election of [Councillors, *or* Auditors, *or* Assessors, *as the case may be*] for the [Ward or several Wards of the] Borough.

Take Notice,

1. That an election of [*here insert the number of Councillors, Auditors, or Assessors, as the case may be*] for the [Ward or several Wards of the] said Borough will be held on the day of .

2. Candidates must be nominated by writing, subscribed by two enrolled burgesses as proposer or seconder, and by eight other enrolled burgesses as assenting to the nomination.

3. Candidates must be duly qualified for the office to which they are nominated, and the nomination paper must state the surname and other names of the person nominated, with his place of abode and description, and may be in the following form, or to the like effect:

(Set out Form No. 2.)

4. Each candidate must be nominated by a separate nomination paper, but the same burgesses or any of them may subscribe as many nomination papers as there are vacancies to be filled for the borough [*or* ward], but no more.

5. Every person who forges a nomination paper, or delivers any nomination paper knowing the same to be forged, will be guilty of misdemeanor, and be liable to imprisonment for any term not exceeding six months, with or without hard labour.

6. Nomination papers must be delivered by the candidate himself, or his proposer or seconder, to the town clerk at his office before five o'clock in the afternoon of day the . day of next.

7. The mayor will attend at the Town Hall on day the day of , from two to four o'clock in the afternoon, to hear and decide objections to nomination papers.

8. Forms of nomination papers may be obtained at the town clerk's office; and the town clerk will, at the request of any enrolled burgess, fill up a nomination paper.

Dated this day of 18 .

A.B., Town Clerk.

FORM NO. 2.

NOMINATION PAPER.

Borough of Election of Councillors, Auditors, or Assessors for Ward in the said Borough [*or* the said Borough], to be held on the day of 18 .

WE, the undersigned, being respectively enrolled burgesses, hereby nominate the following person as a candidate at the said election.

Surname.	Other Names.	Abode.	Description.

(Signed) *A.B.* of*
C.D of*

We, the undersigned, being respectively enrolled burgesses, do hereby assent to the nomination of the above person as a candidate at the said election.

Dated this day of 18 .

(Signed) *E.F.* of*
G.H. of*
I.J. of*
K.L. of*
M.N. of*
O.P. of*
Q.R. of*
S.T. of*

* The number on the Burgess Roll of the Burgess subscribing, with the situation of the property in respect of which he is enrolled on the Burgess Roll.

FORM No. 3.

BALLOT PAPER.

FORM of Front of Ballot Paper.

For Auditors.

Counterfoil.
No.

Note. — The Counterfoil is to have a Number to correspond with that on the back of the Ballot Paper.

1	CADE. (John Cade, of 22, Wellclose Place, Accountant.)	
2	JOHNSON. (Charles Johnson, of 7, Albion Street, Gentleman.)	
3	THOMPSON. (William Thompson, of 14, Queen Street, Silversmith.)	

For Revising Assessor.

1	BACON. (Charles Bacon, of 29, New Street, Solicitor.)	
2	BYRON. (James Byron, of 45, George Street, Commission Agent.)	
3	WILSON. (George Wilson, of 22, Hanover Square, Gentleman.)	

FORM of Back of Ballot Paper.

No. Election of Auditors [*or* Assessors] for the Borough of , to be held on the day of 18 .

The Number on the back of the Ballot Paper is to correspond with that on the Counterfoil.

SECOND SCHEDULE.

Session and Chapter.	Title of Act.	Extent of Repeal.
5 & 6 Will. 4. c. 76.	An Act to provide for the regulation of Municipal Corporations in England and Wales.	So much of section 47 as relates to the fixing of the day of election by the alderman.
22 Vict. c. 35. -	The Municipal Corporation Act, 1859 - -	Sections 5, 6, 7, and Schedules.
32 & 33 Vict. c. 55.	An Act to shorten the term of residence required as a qualification for the Municipal Franchise, and to make provision for other purposes.	Sections 6 and 7.
35 & 36 Vict. c. 33.	The Ballot Act, 1872 -	Directions in the Schedule to the Act as to the form of nomination papers at Municipal Elections.

CHAPTER 41.

An Act for the relief of Widows and Children of Intestates in Scotland where the personal estate is of small value. [19th July 1875.]

WHEREAS many poor persons die intestate in Scotland possessed of personal estate of small amount, and it is desirable to increase the facilities for expeding confirmation to such estate and effects, and to reduce the expense attending the same:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as the Intestates Widows and Children (Scotland) Act, 1875.

Extent of Act.

2. This Act shall extend to Scotland only.

Where estate does not exceed 150*l.*, widow or children may apply to commissary clerk to fill up in-

3. Where the whole personal estate and effects of an intestate dying domiciled in Scotland shall not exceed in value the sum of one hundred and fifty pounds, his widow or any one or more of his children, or in the case of an intestate widow any one or more of her children, may apply to the commissary clerk of the county within which the intestate was domiciled

at the time of death; and the said commissary clerk shall prepare and fill up an inventory and relative oath, as nearly as may be in the form of Schedule A. appended to this Act, and shall take the oath of the applicant thereto, and on caution being found by the applicant according to the practice of the commissary court shall proceed to record said inventory and expede confirmation in the form as nearly as may be of Schedule B. annexed to this Act, and shall deliver the same to the applicant without the payment of any fee therefor save as is provided in Schedule C. annexed to this Act: Provided always, that where the value of the said estate and effects exceeds the sum of one hundred pounds the said inventory shall be duly stamped before being recorded; and such confirmation shall have the same force and effect as that prescribed in Schedule D. annexed to the Act of the twenty-first and twenty-second Victoria, chapter fifty-six; and where such confirmation shall contain English or Irish estate the Registrar of any Probate Court in England or Ireland shall affix the seal of the said court thereto on the confirmation being sent to him by the commissary clerk for that purpose, enclosing a fee of two shillings and sixpence.

Ventory and expede confirmation.

4. The commissary clerk of the county may require such proof as he may think sufficient to establish the identity and relationship of the applicant.

Proof of identity and relationship may be required.

5. If the commissary clerk of the county has reason to believe that the whole personal estate and effects of which the intestate died possessed exceeds in value one hundred and fifty pounds, he shall refuse to proceed with the application until he is satisfied as to the real value thereof.

Commissary clerk may refuse to proceed if not satisfied that whole estate not more than 150*l*.

6. All commissary clerks shall for the purpose of this Act have power and are hereby authorised to administer oaths and to take declarations and affirmations. The term "commissary clerk" shall throughout this Act include "commissary clerk depute."

Commissary clerk may administer oath. "Commissary clerk" to include "commissary clerk depute."

7. Any rules and orders and tables of fees requisite for carrying this Act into operation shall be framed and may from time to time be altered by the Court of Session by act of sederunt; but the total amount to be charged to applicants shall not in any case exceed the sums mentioned in the Schedule C. annexed to this Act.

Procedure and fees under this Act to be regulated by act of sederunt.

8. Provided always, that nothing herein contained shall be construed to affect any duty now payable on inventories of personal estate.

Inventory duty not affected by this Act.

SCHEDULE A.

FORM OF INVENTORY AND RELATIVE OATH.

INVENTORY of the Personal Estate, wheresoever situated, of [*name and description of deceased*] who died at on the day of 18 .

SCOTLAND.	£	s.	d.
1. Cash in the house - - - -			
2. Household furniture and other effects in the deceased's house - - - -			
3. Stock in trade and other effects belonging to deceased - - - - -			
4. Sum in bank; viz., [*specify it, with interest thereon to date of oath to Inventory.*]* *[*Add any other estate in the usual form.*]			

At , the day of one thousand eight hundred and , in presence of Esquire, Commissary Clerk of the commissariot of Appeared [*name and description of applicant*], who, being solemnly sworn and examined, depones, that the said died at upon the day of , and had at the time of his [*or* her] death his [*or* her] ordinary or principal domicile in the county of : That the deponent is the [widow *or* son *or* daughter] of the said deceased , and is desirous to enter upon the possession and management of the deceased's estate as his [*or* her] executor: That the deponent does not know of any testamentary settlement or writing relative to the disposal of the deceased's personal estate or effects, or any part thereof: That the foregoing inventory, signed by the deponent and the said as relative hereto, is a full and complete inventory of the personal estate and effects of the said deceased wheresoever situated and belonging or due to him [*or* her] beneficially at the time of his [*or* her] death, in so far as the same has come to the deponent's knowledge: That the value at this date of the said personal estate and effects, including the proceeds accrued thereon down to this date, does not exceed 150*l.* sterling: That confirmation of the said personal estate in Scotland [*England and Ireland, as the case may be*] is required in favour of the deponent. All which is truth, as the deponent shall answer to God.

SCHEDULE B.

FORM OF CONFIRMATION.

Confirmation issued under the Act 38 *&* 39 *Vict., cap.* 41.

CONFIRMATION DATIVE of *A.B.*, who resided at [*name and description of deceased*].

The said *A.B.* had pertaining and resting owing to at the time of his [*or* her] decease,

[*Take in inventory of estate to be confirmed.*]

I , Esquire, Commissary of the county of , considering that the said *A.B.* died at on , and had at the time of death his [*or* her] ordinary or principal domicile in the county of . And seeing that *C.D.*, his [widow *or* son *or* daughter, *or* her son *or* daughter] has given up, on oath, an inventory of the personal estate and effects of the said *A.B.* at the time of death, including the proceeds accrued thereon to date of oath, situated in Scotland [*England and Ireland, as the case may be*], amounting in value to , and has deponed that the whole personal estate and effects of the said *A.B.* does not exceed in value 150*l.*, which inventory, as before written, has been recorded in my court books, of date , and that has [*or* have] likewise found caution for acts and intromissions as executor [*or* executors]. Therefore I, in Her Majesty's name and authority, decern, make, constitute, ordain, and confirm the said *C.D.* executor [*or* executors] dative qua [relict *or* next of kin] to the deceased, with full power to to uplift, receive, administer, and dispose of the said personal estate and effects, and grant discharges thereof, if needful to pursue therefor, and generally every other thing concerning the same to do that to the office of executor dative qua is known to belong: Providing always, that shall render just count and reckoning for intromissions therewith, when and where the same shall be legally required.

Given under the seal of office of the commissariot of , and signed by the clerk of court at , the day of one thousand eight hundred and .

Commissary Clerk.

SCHEDULE C.

Where the whole estate and effects of the intestate shall not exceed in value twenty pounds, the sum of five shillings, and where the whole estate and effects shall exceed in value twenty pounds, the sum of five shillings and the further sum of one shilling for every ten pounds or fraction of ten pounds by which the value shall exceed twenty pounds.

CHAPTER 42.

An Act to enable certain Corporate Bodies to hold Land for Glebes in Ireland. [19th July 1875.]

WHEREAS by the Irish Church Act, 1869, it was, amongst other things, enacted that the union between the Churches of England and Ireland should be dissolved, and that the said Church of Ireland, in the said Act and hereinafter referred to as the "said church," should cease to be established by law:

And whereas in pursuance of the said Act Her Majesty was pleased to incorporate by Royal Charter the representative body of the said church, under the name of the Representative Church Body:

And whereas it is expedient to extend to the said church and the said Representative Church Body the same powers and privileges which are possessed by other religious bodies in Ireland in reference to the purchase, holding, and selling of land:

And whereas many clergymen in Ireland are prevented from obtaining suitable residences in consequence of not being able to enter into valid contracts, whereby they may deprive themselves of the right to make claims under the Landlord and Tenant (Ireland) Act, 1870, and it is expedient to alter the law in that respect:

And whereas it is expedient to give to the said Representative Church Body the same right to recover compensation for malicious injuries to churches legally vested in them, which, before the passing of the said Church Act, was possessed by the Ecclesiastical Commissioners for Ireland:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Title of Act.

1. This Act may be cited for all purposes as "The Glebe Lands, Representative Church Body, Ireland, Act, 1875."

Power to invest funds in purchase, &c. of lands for manses, &c., not exceeding thirty acres for each church.

2. It shall be lawful for the said Representative Church Body to invest all moneys vested in them for that purpose in the absolute purchase, or in procuring leases or fee-farm grants subject to annual or other rents, and with or without fines, of lands for the erection thereon of churches, or of glebes for the use of the clergymen of said church, or for schools or other buildings in connexion with said church buildings, or for other church purposes, the lands so to be purchased not to exceed thirty acres for each glebe, or to permit such clergymen and congregations to occupy and use the same at such rent and upon such terms and conditions as the Representative Church Body shall think fit; and the Representative Church Body may execute all such deeds, grants, leases, or other documents as may be necessary for the purpose aforesaid.

Power to vest colleges, church buildings, &c. in trustees.

3. It shall be lawful for the trustees of any college, church building, schoolhouse, glebe, or other real property, whether freehold or chattel, or any personal property held in trust for the said church or any congregation in connexion therewith, or any person or persons in whom the same may be vested, if they or he respectively shall think fit, to grant, assign, or otherwise vest in the said Representative Church Body, with their concurrence, such college, church building, schoolhouse, glebe, or other real property, whether freehold or chattel, or any personal property, to be held by the said Representative Church Body upon such trust and subject to such rights as at the time of such grant, assignment, or vesting affected the same respectively, and the former trustees shall be thereupon released from the trusts thereof respectively.

4. It shall be lawful for any person whomsoever, entitled so to do, to give, grant, devise, bequeath, or assure, by any deed, will, or other instrument sufficient in law to create or convey an estate therein, any messuages, lands, hereditaments or any estate therein, to the said Representative Church Body for any college, or for any church, glebe, building, or school-house in connexion with any congregation or church: Provided always, that under the provisions aforesaid or otherwise not more than thirty acres shall be held in trust for any congregation, nor more than one hundred acres in trust for any college: Provided always, nevertheless, that any such gift, grant, bequest, or assurance of lands in excess of the acreage hereby authorised to be held as aforesaid shall be void as to the excess only.

Power to hold lands for colleges, &c.

5. The said Representative Church Body may from time to time sell, lease, exchange, or otherwise dispose of, on such terms and in such manner as they think fit, or mortgage, any lands vested in them, and not being otherwise required for purposes of the said church or any of the colleges or congregations connected therewith, and may enter into, execute, and do all contracts, assurances, and things necessary or proper in that behalf; and every such sale or lease as aforesaid may be made either absolutely for a sum in money, or for any annual rent or rents, to be made payable as the said Representative Church Body direct, or partly for a sum of money and partly for such rent or rents as aforesaid, as the said Representative Church Body think fit, and the said Representative Church Body may afterwards sell any rent so to be made payable.

Power to sell surplus lands.

6. It shall be lawful for any ecclesiastical person to make and enter into a good and valid contract with any lessor for the occupation of any glebe house and lands, although by such contract such ecclesiastical person may be deprived of his right to make any claim under any of the sections or provisions of the Landlord and Tenant (Ireland) Act, 1870, any restriction or provision in the said Act to the contrary notwithstanding.

Ecclesiastical persons can contract themselves out of Landlord and Tenant (Ireland) Act, 1870.

7. In section seventy-two of Act third and fourth William the Fourth, chapter thirty-seven, and section twenty of fourth and fifth William the Fourth, chapter ninety, the words "United Church of England and Ireland" shall be held and construed as applying to "the said church" alone, and the said Acts shall be construed as if the words "Representative Church Body" had been and were substituted for the words "Ecclesiastical Commissioners," and the said sections of the said Acts so altered shall be and continue in full force and effect.

Amendment of Acts 3 & 4 W. 4. c. 37. s. 72. and 4 & 5 W. 4. c. 90. s. 20.

8. The term "glebe" in this Act shall mean and include any house, with the piece or parcel of land attached thereto, occupied or to be occupied by any ecclesiastical person while having spiritual charge of any parish or district to which such

Glossary.

house and land shall have heretofore belonged, or for which it shall be or shall have been granted or purchased or required as a residence for such ecclesiastical person whilst having such spiritual charge; and the term "ecclesiastical person" shall mean and include any archbishop, bishop, and clergyman of the said church.

Application of Act.

9. This Act shall extend to Ireland only.

CHAPTER 43.

An Act to amend the Medical Acts so far as relates to the Royal College of Surgeons of England.

[19th July 1875.]

21 & 22 Vict. c. 90.

WHEREAS by the Medical Act (herein-after called the principal Act) and Acts amending the same every person becoming possessed of any one or more of the qualifications mentioned in the said Acts is to be entitled to be registered under the principal Act, and one of such qualifications is that of fellow or member or licentiate in midwifery of the Royal College of Surgeons of England:

And whereas by the principal Act it is further provided that any two or more of the colleges and bodies in the Medical Acts in that behalf mentioned may, with the sanction and under the directions of the general council, unite and co-operate in conducting the examinations required for qualifications to be registered under the principal Act:

And whereas the Royal College of Surgeons of England is one of such bodies, but doubts are entertained whether it is able to take advantage of the herein-before recited provisions of the principal Act unless it receives further powers from Parliament, and accordingly it is expedient to amend the Medical Acts so far as relates to the said college:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Power to the Royal College of Surgeons of England to make byelaws with a view to the Medical Act.

1. If in pursuance of the principal Act the Royal College of Surgeons of England unites or co-operates with any of the colleges or bodies in that behalf mentioned in the Medical Acts in conducting the examinations required for qualifications to be registered under the principal Act, then, notwithstanding anything in any statute or charter contained, it shall be lawful for the council for the time being of the said college to prescribe, by a byelaw under the common seal of the said college, that no person shall become a fellow or member or licentiate in midwifery of the said college unless (in addition to passing such examination (if any) and complying with such other conditions (if any) as may be prescribed by any byelaws in force for the time being made in pursuance of any charter of the

said college) he shall have passed such examinations, hereinafter called the joint examinations, for qualification to be registered under the Medical Act, and complied with such conditions relating thereto as may be agreed upon between the said college and the college or body, colleges or bodies, with whom the said college may be united or co-operating as aforesaid; and every person who shall have passed such joint examinations and complied with such conditions as aforesaid shall be entitled to receive letters testimonial of his qualification to practise the art and science of surgery under the common seal of the said college, on obtaining which he shall become and be constituted a member of the said college, subject to all the regulations, provisions, and byelaws in force for the time being of the said college:

Saving power of council to admit to the fellowship in certain cases.

Provided that nothing in this Act contained shall diminish or affect any power which the council of the said college at the time of passing this Act may have, under any charter, of appointing or electing to be fellows of the said college, without examination, any of the present members of the said college who if this Act had not passed would be or might become eligible, by reason of their standing as members, to be appointed or elected fellows of the said college without examination, or any fellows or members or licentiates respectively of the Royal College of Surgeons in Ireland, the Royal College of Surgeons of Edinburgh, or the Faculty of Physicians and Surgeons of Glasgow, who shall at the time of passing this Act be in the bonâ fide practice of the profession of a surgeon of England or Wales, and shall have obtained their respective diplomas or licenses after examination:

Byelaws to be approved by the Privy Council.

Provided also, that no byelaw made in pursuance of this Act shall be of any force unless it has the approval of the Lords of Her Majesty's Most Honourable Privy Council, and that it shall be lawful for said Lords of the Council at any subsequent time, if they shall think fit, to revoke such assent.

Saving rights of the college to admit women to certain examinations.

2. Nothing in this Act contained shall deprive the said college of the right (if any) existing at the passing of this Act, or relieve them from the obligation (if any) existing at the passing of this Act, to admit women to the examinations required for letters testimonial of the college, or for a qualification to be registered under "The Medical Act, 1858," or to grant letters testimonial to any woman who has satisfactorily passed the examinations and fulfilled the other general conditions imposed upon persons seeking to obtain from the said college such letters testimonial or qualification.

Title and construction of Act.

3. This Act may be cited for all purposes as "The Medical Act, Royal College of Surgeons of England, 1875," and shall be construed as one with the Medical Acts.

CHAPTER 44.

An Act to amend The Constabulary (Ireland) Act, 1874. [19th July 1875.]

WHEREAS by section two of The Constabulary (Ireland) Act, 1874, provision was made for the grant of revised salaries to the members of the constabulary force, and by said section the payment of such revised salaries was limited to the first day of July one thousand eight hundred and seventy-five, and it is expedient that such limitation should be repealed and provision should be made for continuing the payment of such revised salaries for a further limited period:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Repeal of part of s. 2. of Constabulary (Ireland) Act, 1874.

Continuance of revised salaries.

1. So much of section two of The Constabulary (Ireland) Act, 1874, as limits to the first day of July one thousand eight hundred and seventy-five the time during which the revised salaries by the said section authorised shall continue to be paid, shall be and the same is hereby repealed; and the said salaries shall, subject to the other provisions of the said section, continue to be paid from and after the first day of July one thousand eight hundred and seventy-five until the first day of July one thousand eight hundred and seventy-seven from time to time as and when they shall become due respectively.

CHAPTER 45.

An Act to amend the Law with respect to the Reduction of the National Debt and the Charge for the National Debt in the Consolidated Fund. [2d August 1875.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

New Sinking Fund.

Amount of permanent annual charge for National Debt.

1. For the payment of the annual charge on account of the National Debt there shall be issued out of the Consolidated Fund,—

(*a.*) During the financial year ending the thirty-first day of March one thousand eight hundred and seventy-six the sum of twenty-seven million four hundred thousand pounds; and

(*b.*) During the financial year ending the thirty-first day of March one thousand eight hundred and seventy-seven the sum of twenty-seven million seven hundred thousand pounds; and

(*c.*) During every subsequent financial year the sum of twenty-eight million pounds.

The said annual sum (in this Act referred to as the permanent annual charge for the National Debt) shall be charged on and issued out of the Consolidated Fund, at such times and in such manner as may be required for paying the charges payable thereout, and subject thereto, as the Treasury may from time to time direct, so that the whole amount thereof be issued in each financial year.

2. There shall be paid out of the permanent annual charge for the National Debt the following annual charges: Annual charge payable out of permanent charge.

(1.) All annuities, whether perpetual or terminable, charged on the Consolidated Fund under any Act passed before the passing of this Act (except as herein-after mentioned); and

(2.) All interest on exchequer bonds or exchequer bills issued in pursuance of any Act passed before the passing of this Act (except as herein-after mentioned); and

(3.) All interest on advances made by the Bank of England or the Bank of Ireland in pursuance of section twelve of the Exchequer and Audit Act, 1866; and 29 & 30 Vict. c. 39.

(4.) The interest on all loans borrowed under any Act to meet ways and means; and

(5.) The annual sum of five shillings in respect of each sum of one hundred and ten pounds of the two pounds ten shillings per centum bank annuities which is payable to the account of the National Debt Commissioners in pursuance of section sixty-nine of the National Debt Act, 1870; and 33 & 34 Vict. c. 71.

(6.) The annual sums payable for the time being to the Bank of England and Bank of Ireland for the management of the National Debt, or of any part thereof.

There shall not be paid out of the permanent annual charge for the National Debt any annuities or the interest on any exchequer bonds or exchequer bills or on any other loans created, issued, or borrowed,—

(*a.*) Under any Act relating to the Public Works Loan Commissioners passed before the passing of this Act; or

(*b.*) Under any Act passed after the passing of this Act which does not direct the same to be paid out of the said permanent annual charge.

3. Such portion of the permanent annual charge for the National Debt as is in any financial year not required for the Application of surplus as new

sinking fund to reduce debt.

purpose of paying the annual charges directed by this Act to be paid thereout (which portion may hereafter be called the new sinking fund) shall be from time to time issued to the National Debt Commissioners, and shall be applied by them, within six months after the date of the issue thereof, in purchasing, redeeming, or paying off any one or more of the following descriptions of debt, namely, annuities (perpetual or terminable) charged on the Consolidated Fund, and exchequer bonds and exchequer bills (whether held by the public or on account of the Exchequer, or sent into the Bank of England for payment); but the new sinking fund shall not be applied in paying off any advances made by the Bank of England or the Bank of Ireland in pursuance of section twelve of the Exchequer and Audit Act, 1866, or in paying off any loan borrowed under any Act to meet ways and means.

29 & 30 Vict. c. 39.

Old Sinking Fund.

Annual account of income and expenditure.

4. The Treasury shall, within fifteen days after the expiration of every financial year, prepare an account of the public income and expenditure of the United Kingdom according to the actual receipt and issue of moneys on the Exchequer accounts at the Bank of England and the Bank of Ireland during the said financial year, and shall therein show either the surplus of such income or the excess of such expenditure during the said year:

Provided that issues made for the payment of expenses authorised by any Act other than the annual Appropriation Act, shall not, so far as moneys to meet such issues have been provided out of loans, be deemed for the purpose of the said account to be part of such expenditure.

A copy of such account, certified by the Controller and Auditor General, shall be laid before the House of Commons within one month after the expiration of the financial year, if Parliament be then sitting, or, if not sitting, within one week after the then next meeting of Parliament, and a copy of the account so certified shall also be sent to the National Debt Commissioners.

Application of surplus income to reduce debt.

5. If there appear by the said account for any financial year to be a surplus of income above expenditure for that year, the Treasury shall in the course of the next financial year cause the amount of such surplus (which may be called the old sinking fund) to be issued out of the Consolidated Fund, or the growing produce thereof, at such times during that year as they may from time to time direct.

The old sinking fund shall be issued to the National Debt Commissioners, and shall be applied by them, within six months after the date of the issue thereof, in purchasing, redeeming, or paying off any one or more of the following descriptions of debt, namely, annuities (perpetual or terminable) charged on the Consolidated Fund, and exchequer bonds

and exchequer bills (whether held by the public or on account of the Exchequer, or sent into the Bank of England for payment), and advances made by the Bank of England or the Bank of Ireland in pursuance of section twelve of the Exchequer and Audit Act, 1866, but the old sinking fund shall not be applied in paying off any loan borrowed under any Act to meet ways and means.

29 & 30 Vict. c. 39.

6. Section sixteen of the Exchequer and Audit Act, 1866, is hereby repealed as from the thirtieth day of June one thousand eight hundred and seventy-five, without prejudice to the application of any sums issued in pursuance of that section before that date, or to the cancellation of any debt redeemed or purchased before that date with sums issued in pursuance of that section.

Section 16 of 29 & 30 Vict. c. 39. repealed.

Miscellaneous.

7. The National Debt Commissioners shall keep such accounts of the application of the old and new sinking funds of each financial year as the Treasury may from time to time direct, and those accounts shall, within one month after the expiration of each financial year, be submitted to the Controller and Auditor General in such form as the Treasury may from time to time direct, and forthwith audited by him.

Accounts of new and old sinking funds.

Before the expiration of two months after the expiration of the said financial year the Controller and Auditor General shall send the said accounts as audited by him to the Treasury, who shall forthwith lay the same before the House of Commons, accompanied by such particulars relating to the new and old sinking funds (to be furnished by the National Debt Commissioners), as the Treasury may from time to time direct.

8. The Treasury shall publish from time to time in the London Gazette the sums which will be issued by them in pursuance of this Act in each quarter of a financial year to the National Debt Commissioners.

Supplemental provisions as to new and old sinking funds.

All annuities, bonds, bills, and loans purchased or redeemed by the National Debt Commissioners in pursuance of this Act shall be forthwith cancelled in such manner as the Treasury may from time to time direct; and any such direction shall be a sufficient indemnity to the Bank of England and the Bank of Ireland for anything done in pursuance thereof.

9. In this Act—

D

The expression "Treasury" means the Commissioners of Her Majesty's Treasury;

The expression "National Debt Commissioners" means the Commissioners for the Reduction of the National Debt;

The expression "Bank of England" means the Governor and Company of the Bank of England;

The expression "Bank of Ireland" means the Governor and Company of the Bank of Ireland;

The expression "financial year" means the twelve months ending on the thirty-first day of March;

The expression "loan borrowed under any Act to meet ways and means" means a loan borrowed in pursuance of an Act authorising sums to be borrowed on the credit of any sum which the Treasury are authorised by an Act to issue out of the Consolidated Fund towards making good the supply granted to Her Majesty; and

The expression "Consolidated Fund" means the Consolidated Fund of the United Kingdom.

Short title

10. This Act may be cited as the Sinking Fund Act, 1875.

CHAPTER 46.

An Act to amend an Act passed in the Session of Parliament held in the Thirtieth and Thirty-first Years of the Reign of Her present Majesty, intituled "An Act to afford further Facilities for the "Erection of certain Bridges in Ireland."

[2d August 1875.]

WHEREAS an Act was passed in the session of Parliament holden in the fourth and fifth year of the reign of His late Majesty King William the Fourth, intituled "An Act for "the more effectually providing for the erection of certain "bridges in Ireland," which Act was amended by another Act passed in the session of Parliament holden in the second and third years of the reign of Her present Majesty, intituled "An "Act to extend and amend the provisions of the Acts for the "extension and promotion of public works in Ireland; and "for the recovery of public moneys advanced for the use of "counties, parishes, and other districts in Ireland, on the "faith of grand jury presentments and parochial assessments," and under the provisions of the said Acts, grand juries of counties were empowered to co-operate for making and improving bridges situate between such counties:

4 & 5 W. 4. c. 61.

2 & 3 Vict. c. 50.

And whereas by an Act passed in the session of Parliament held in the thirtieth and thirty-first years of the reign of Her present Majesty, chapter fifty, the said Acts were amended and facilities were afforded for the purchase or taking of any property in any bridge or ferry, or in the tolls thereof, which might be necessary for the purposes of the said Acts, and for making presentment for the moneys requisite therefor:

And whereas by section twenty-six of the said last-mentioned Act, after reciting that "in cases where a bridge or "ferry is situate wholly within the limits of a county or

" county of a city, it is expedient to enable the grand jury of " any neighbouring county or county of a city to co-operate " with the grand jury of any such first-mentioned county or " county of a city for any of the purposes of the recited Acts " and of this Act," it was enacted "that it shall be lawful " for the grand jury of such neighbouring county or county of " a city, upon and after application made and approved at " presentment sessions for the county at large, to consent to " co-operate with the grand jury of any such first-named " county or county of a city for the purposes aforesaid, and " to signify such consent by a resolution entered on the record " of its proceedings, and thereupon all the provisions of the " recited Acts and of this Act shall extend and be applicable " in like manner as if the said bridge or ferry were situate " between the said counties, and all acts and proceedings by " the said Acts and this Act provided shall and may be " done, had, and taken accordingly :"

And whereas it is expedient further to extend the provisions of the said section and to make the same applicable to the erection of bridges wholly within the limits of any one county or county of a city or county of a town:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Co-operation of grand juries for building bridges wholly within one county.

1. In cases where it is proposed to erect a bridge wholly within the limits of any one county, it shall be lawful for the grand jury of any neighbouring county, upon and after application made and approved at presentment sessions for the county at large, to consent to co-operate with the grand jury of any such first-named county, for the purposes of the herein-before recited Acts, and to signify such consent by a resolution entered on the record of its proceedings; and thereupon all the provisions of the herein-before recited Acts shall extend and be applicable in like manner as if such bridge was proposed to be erected over a river forming the boundary between the said counties, and all acts and proceedings by the herein-before recited Acts provided shall and may be done, had, and taken accordingly.

The term "county" in this section shall include county of a city and county of a town.

Short title.

2. This Act may be cited for all purposes as "The Bridges (Ireland) Act, 1875."

CHAPTER 47.

An Act to amend the Law in regard to Constables and Peace Officers in Scotland. [2d August 1875.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

After 1st Oct. 1875 no constable appointed under the Scots Acts, 1617, 1633, and 1661, shall exercise powers of constables and peace officers under the "Poaching Prevention Act, 1862."

1. From and after the first day of October one thousand eight hundred and seventy-five it shall not be lawful for any constable appointed under and in terms of the Act of the Parliament of Scotland passed in the year one thousand six hundred and seventeen, intituled "Anent the Justices for "keeping of the King's Majesties peace, and their Constables," or of the Act of the said Parliament passed in the year one thousand six hundred and thirty-three, intituled "Ratification "of the Acts made in favour of the Justices of the Peace "and their Constables, and Commission to the Lords of Secret "Council thereanent," or of the Act of the said Parliament passed in the year one thousand six hundred and sixty-one, intituled "Commission and Instructions to the Justices of "Peace and Constables," to exercise any of the powers conferred on constables and peace officers by the Act of the twenty-fifth and twenty-sixth years of the reign of Her Majesty, chapter one hundred and fourteen, intituled "An "Act for the prevention of poaching."

CHAPTER 48.

An Act to make further provision respecting the contribution out of moneys provided by Parliament towards the expenses of the Police Force in the Metropolitan Police District, and elsewhere in Great Britain. [2d August 1875.]

19 & 20 Vict. c. 69.
20 & 21 Vict. c. 72.
31 & 32 Vict. c. 67.

WHEREAS in pursuance of certain Acts annual sums, not exceeding the amount mentioned in those Acts, are contributed by the Commissioners of Her Majesty's Treasury out of moneys provided by Parliament towards the expenses of the police force in the Metropolitan Police District, and elsewhere in Great Britain, and it is expedient to make further provision respecting such contributions:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

1. This Act may be cited as the Police (Expenses) Act, 1875. Short title.

2. So much of any Act as limits the amount authorised to be contributed by the Commissioners of Her Majesty's Treasury out of moneys provided by Parliament towards the expenses of any police force in Great Britain to a particular amount, or a particular proportion of any annual sum or charge specified in such Act, shall, during the continuance of this Act, be repealed. Repeal of limit on amount of contribution by Treasury to police force.

3. This Act shall continue in force until the first day of September one thousand eight hundred and seventy-six. Duration of Act.

CHAPTER 49.

An Act for facilitating the Improvement of the Dwellings of the Working Classes in large Towns in Scotland. [2d August 1875.]

WHEREAS various portions of many cities and burghs in Scotland are so built, and the buildings thereon are so densely inhabited, as to be highly injurious to the moral and physical welfare of the inhabitants:

And whereas there are in such portions of cities and burghs as aforesaid a great number of houses, courts, and alleys which, by reason of the want of light, air, ventilation, or of proper conveniences, or from other causes, are unfit for human habitation, and fevers and diseases are constantly generated there, causing death and loss of health, not only in the courts and alleys but also in other parts of such cities and burghs:

And whereas it often happens that owing to the above circumstances, and to the fact that such houses, courts, and alleys are the property of several owners, it is not in the power of any one owner to make such alterations as are necessary for the public health:

And whereas it is necessary for the public health that many of such houses, courts, and alleys should be pulled down, and such portions of the said cities and burghs should be reconstructed:

And whereas in connexion with the re-construction of those portions of such cities and burghs it is expedient that provision be made for dwellings for the working class who may be displaced in consequence thereof:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

1. This Act may be cited for all purposes as "The Artizans and Labourers Dwellings Improvement (Scotland) Act, 1875." Short title of Act.

PART I.

UNHEALTHY AREAS.

1. *Scheme by Local Authority.*

Application of Act and description of local authority.

2. This Act shall apply only to royal and parliamentary burghs in Scotland containing, according to the last published census, for the time being a population of twenty-five thousand and upwards, and the local authority shall be the local authority under the Public Health (Scotland) Act, 1867, within each such royal and parliamentary burgh

Local authority on being satisfied by official representation of the unhealthiness of district to make scheme for its improvement.

3. Where an official representation as herein-after mentioned is made to the local authority that any houses, courts, or alleys within a certain area under the jurisdiction of the local authority are unfit for human habitation, or that diseases indicating a generally low condition of health amongst the population have been from time to time prevalent in a certain area within the jurisdiction of the local authority, and that such prevalence may reasonably be attributed to the closeness, narrowness, and bad arrangement or the bad condition of the streets and houses or groups of houses within such area, or to the want of light, air, ventilation, or proper conveniences, or to any other sanitary defects, or to one or more of such causes, and that the evils connected with such houses, courts, or alleys and the sanitary defects in such area cannot be effectually remedied otherwise than by an improvement scheme for the re-arrangement and re-construction of the streets and houses within such area, or of some of such streets or houses, the local authority shall take such representation into their consideration, and if satisfied of the truth thereof, and of the sufficiency of their resources, shall pass a resolution to the effect that such area is an unhealthy area, and that an improvement scheme ought to be made in respect of such area, and after passing such resolution they shall forthwith proceed to make a scheme for the improvement of such area:

Provided always, that no person being beneficially interested in any lands within such area shall vote as member of the local authority upon such resolution, or upon any question relating to the purchase or taking of lands in which he is so interested

If any person votes in contravention of this proviso he shall, on summary conviction, incur a penalty not exceeding twenty pounds; but the fact of his giving such vote shall not invalidate any resolution passed by the local authority.

Provided always, that any number of such areas may be included in one improvement scheme.

Official representation, by whom to be made.

4. An official representation shall mean a representation made to the local authority by the medical officer of health of such authority. A medical officer acting in pursuance of this

Act shall make such representation whenever he sees cause to make the same; and if two or more justices of the peace acting within the jurisdiction for which he is medical officer, or twelve or more persons liable to be rated to any rate out of the proceeds of which the expenses of the local authority under this Act are made payable, complain to him of the unhealthiness of any area within such jurisdiction, it shall be the duty of the officer forthwith to inspect such area, and to make an official representation stating the facts of the case, and whether in his opinion the area is an unhealthy area or not an unhealthy area, for the purposes of this Act.

Requisites of improvement scheme of local authority.

5. The improvement scheme of a local authority shall be accompanied by maps, particulars, and estimates; it may exclude any part of the area in respect of which an official representation is made, or include any neighbouring lands, if the local authority are of opinion that such exclusion is expedient or inclusion is necessary for making their scheme efficient for sanitary purposes; it may also provide for widening any existing approaches to the unhealthy area or otherwise for opening out the same for the purposes of ventilation or health; also it shall distinguish the lands proposed to be taken compulsorily, and shall provide for the accommodation of at the least as many persons of the working class as may be displaced in the area with respect to which the scheme is proposed, in suitable dwellings, which, unless there are any special reasons to the contrary, shall be situate within the limits of the same area, or in the vicinity thereof, and shall also provide for proper sanitary arrangements. It may also provide for such scheme or any part thereof being carried out and effected by the owner or with the concurrence of the owner of any property subject to the same, under the superintendence and control of the local authority, and upon such terms and conditions to be embodied in the scheme as may be agreed upon between the local authority and such owner.

2. *Confirmation of Scheme.*

Improvement scheme by provisional order to be confirmed by Parliament.

6. Upon the completion of an improvement scheme the local authority shall—

Publication of notices.

Publish, during three consecutive weeks in the month of September, or October, or November, in some one and the same newspaper circulating within the jurisdiction of the local authority an advertisement stating the fact of a scheme having been made, the limits of the area to which the scheme relates, and naming a place within such area or in the vicinity thereof where a copy of the scheme may be seen at all reasonable hours; and

Service of notices.

During the month next following the month in which such advertisement is published serve a notice on every owner or reputed owner, lessee or reputed lessee, and occupier of any

lands proposed to be taken compulsorily, so far as such persons can reasonably be ascertained, stating that such lands are proposed to be taken compulsorily for the purpose of an improvement scheme, and in the case of any owner or reputed owner, lessee or reputed lessee, requiring an answer stating whether the person so served dissents or not in respect of taking such lands, such notice to be served—

(*a.*) By delivery of the same personally to the person required to be served, or if such person is absent abroad, or cannot be found, to his agent, or if no agent can be found, then by leaving the same on the premises; or,

(*b.*) By leaving the same at the usual or last known place of abode of such person as aforesaid; or,

(*c.*) By forwarding the same by post in a prepaid letter addressed to the usual or last known place of abode of such person.

One notice addressed to the occupier or occupiers without naming him or them, and left at any house, shall be deemed to be a notice served on the occupier or on all the occupiers of any such house.

Petition to Secretary of State.

Upon compliance with the provisions contained in this section with respect to the publication of an advertisement and the service of notices the local authority shall present a petition to a Secretary of State, praying that an order may be made confirming such scheme. The petition shall be accompanied by a copy of the scheme, and shall state the names of the owners or reputed owners, lessees or reputed lessees, who have dissented in respect of the taking their lands, and shall be supported by such evidence as the Secretary of State (in this Act referred to as the confirming authority) may from time to time require:

If, on consideration of the petition and on proof of the publication of the proper advertisements and the service of the proper notices, the confirming authority thinks fit to proceed with the case, he shall direct a local inquiry to be held in, or in the vicinity of, the area to which the scheme relates, for the purpose of ascertaining the correctness of the official representation made as to the area and the sufficiency of the scheme provided for its improvement, and any local objections to be made to such scheme:

After receiving the report made upon such inquiry, the confirming authority may make a provisional order declaring the limits of the area to which the scheme relates, and authorising such scheme to be carried into execution Such provisional order may be made either absolutely or with such conditions and modifications of the scheme as the confirming authority may think fit, so that no addition be made to the lands proposed in the scheme to be taken compulsorily, and it shall be the duty of the local authority to serve a copy of

any provisonal order so made in the manner and upon the persons in which and upon whom notices in respect of lands proposed to be taken compulsorily are required by this Act to be served, except tenants for a month or a less period than a month.

A provisional order made in pursuance of this section shall not be of any validity until and unless it has been confirmed by Act of Parliament; and it shall be lawful for the confirming authority, as soon as conveniently may be, to obtain such confirmation, and any provisional order made in pursuance of this Act, when confirmed by Parliament, with such modifications as may seem fit to Parliament, shall be deemed to be a Public General Act of Parliament, and is in this Act referred to as the confirming Act.

The confirming authority may make such order as he thinks fit in favour of any person whose lands were proposed by the scheme to be taken compulsorily for the allowance of the reasonable costs, charges, and expenses properly incurred by him in opposing such scheme.

All costs, charges, and expenses incurred by the confirming authority in relation to any provisional order under this Act shall, to such amount as the confirming authority thinks proper to direct, and all costs, charges, and expenses of any person to such amount as may be allowed to him by the confirming authority in pursuance of the aforesaid power, shall be deemed to be an expense incurred by the local authority under this Act, and shall be paid to the confirming authority, and to such person respectively, in such manner and at such times and either in one sum or by instalments as the confirming authority may order, with power for the confirming authority to direct interest to be paid at such rate not exceeding five pounds in the hundred by the year as the confirming authority may determine, upon any sum for the time being due in respect of such costs, charges, and expenses as aforesaid.

The Court of Session may, on the application of the Lord Advocate, on behalf of the confirming authority or on the application of any person interested, interpone their authority to any order made by the confirming authority under this section, and grant decree conform thereto, upon which execution and diligence may proceed in common form.

Costs to be awarded in certain cases.

7. Where any Bill for confirming a provisional order authorising an improvement scheme is referred to a Committee of either House of Parliament upon the petition of any person opposing such Bill, the Committee shall take into consideration the circumstances under which such opposition is made to the Bill, and whether such opposition was or was not justified by such circumstances, and shall award costs accordingly to be

paid by the promoters or the opponents of the Bill as the Committee may think just.

Any costs under this section may be taxed and recovered in the manner in which costs may be taxed and recovered under the Act of the session of the twenty-eighth and twenty-ninth years of the reign of Her present Majesty, chapter twenty-seven.

The decision of the majority of the members of the Committee for the time being present and voting on any question under this section shall be deemed to be the decision of the Committee.

Inquiry on refusal of local authority to make an improvement scheme.

8. Where an official representation is made to the local authority with a view to their passing a resolution in favour of an improvement scheme, and they fail to pass any resolution in relation to such representation, or pass a resolution to the effect that they will not proceed with such scheme, such local authority shall, as soon as possible, send a copy of the official representation, accompanied by their reasons for not acting upon it, to the confirming authority, and, upon the receipt thereof, the confirming authority may direct a local inquiry to be held, and a report to be mde to him with respect to the correctness of the official representation made to the local authority, and any matters connected therewith on which the confirming authority may desire to be informed.

3. *Execution of Scheme by Local Authority.*

Duty of local authority to carry scheme when confirmed into execution.

9. When the confirming Act authorising any improvement scheme of a local authority under this Act has been passed by Parliament, it shall be the duty of that authority to take steps for purchasing the lands required for the scheme, and otherwise for carrying the scheme into execution as soon as practicable. They may sell or let all or any part of the area to which such scheme relates to any purchasers or lessees for the purposes and under the condition that such purchasers or lessees will, as respects the land so purchased by or leased to them, carry the scheme into execution; and in particular they may insert in any grant or lease of any part of the area provisions binding the grantee or lessee to build thereon as in the grant or lease prescribed, and to maintain and repair the buildings, and prohibiting the division of buildings, and any addition to or alteration of the character of buildings without the consent of the local authority, and for the re-vesting of the land in the local authority, or their re-entry thereon, on breach of any provision in the grant or lease. The local authority may also engage with any body of trustees, society or societies, persons or person, to carry the whole or any part of such scheme into effect upon such terms as the local authority may think expedient, but the local authority shall not themselves, without the express approval of the confirming

authority, undertake the re-building of the houses or the execution of any part of the scheme, except that they may take down any or all of the buildings upon the area, and clear the whole or any part thereof, and may lay out, form, pave, sewer, and complete all such streets upon the land purchased by them as they may think fit, and all streets so laid out and completed shall thenceforth be public streets, repairable by the same authority as other streets in the district.

Provided that in any grant or lease of any part of the area which may be appropriated by the scheme for the erection of dwellings for the working classes, the local authority shall impose suitable conditions and restrictions as to the elevation, size, and design of the houses, and the extent of the accommodation to be afforded thereby, and shall make due provision for the maintenance of proper sanitary arrangements.

Provided also, that in any case in which the local authority erect any dwellings out of funds to be provided under this Act, they shall, unless the confirming authority shall otherwise determine, sell and dispose of all such dwellings within ten years from the time of the completion thereof.

The local authority may, where they think it expedient so to do, without themselves acquiring the land, or after or subject to their acquiring any part thereof, contract with the owner of any land comprised in an improvement scheme for the carrying out of the scheme in respect of such land by such owner.

Completion of scheme on failure by local authority.

10. If within five years after the removal of any buildings on the land set aside by any provisional order as sites for working men's dwellings the local authority have failed to sell or let such land for the purposes prescribed by the scheme, or have failed to make arrangements for the erection of the said dwellings, the confirming authority may order the said land to be sold by public auction or public tender, with full power to fix a reserve price, subject to the conditions imposed by the scheme, and to any modifications thereof which may be made in pursuance of this Act, and to a special condition on the part of the purchaser to erect upon the said land dwellings for the working classes, in accordance with plans to be approved by the local authority, and subject to such other reservations and regulations as the confirming authority may deem necessary.

Notice to occupiers by placards.

11. The local authority shall, not less than thirteen weeks before taking any fifteen houses or more, make known their intention to take the same by placards, handbills, or other general notices placed in public view upon or within a reasonable distance of such houses, and the local authority shall not take any such houses until they have obtained a certificate of a sheriff or sheriff substitute that it has been proved to his satisfaction that the local authority have made known, in

manner required by this section, their intention to take such houses.

Power of confirming authority to modify authorised scheme

12. The confirming authority, on application from the local authority, and on its being proved to their satisfaction that an improvement can be made in the details of any scheme, and that due provision has been made or secured for the accommodation in suitable dwellings of as many persons of the working class as may be displaced in the area to which such scheme relates, either in manner provided by the scheme or in some other manner, or will be more advantageously made or secured under the proposed alteration, may permit the local authority to modify any part of an improvement scheme authorised by the confirming Act which it may appear inexpedient to carry into execution in accordance with such Act.

A statement of any modifications permitted to be made in any part of an improvement scheme in pursuance of this section shall be laid by the confirming authority before both Houses of Parliament as soon as practicable after they are made, if Parliament be then sitting, and if not, within one month after the next meeting of Parliament: Provided always, that if such modification or alteration shall require a larger public expenditure than that sanctioned by the former scheme, or the taking of any property otherwise than by agreement, or shall affect injuriously other property in a manner different to that proposed in the former scheme without the consent of the owner and occupier of any such property, it must be made by a provisional order to be confirmed by Act of Parliament in the manner provided in section six of this Act on the completion of an improvement scheme.

PART II.

PROVISIONS ANCILLARY TO IMPROVEMENT SCHEME.

As to Local Authority.

1. *Medical Officer.*

Provision in case of absence of medical officer of health

13. In case of the illness or unavoidable absence of the medical officer of health, the local authority may (subject to the approval of the confirming authority) appoint a duly qualified medical practitioner who shall for the period of six calendar months or any less period to be named in the appointment have and perform all the powers and duties of a medical officer of health under this Act.

Inquiry on default of medical officer

14. Where twelve or more ratepayers have complained to a medical officer of the unhealthiness of any area within the jurisdiction of such officer, and the medical officer has failed

to inspect such area, or to make an official representation with respect thereto, or has made an official representation to the effect that in his opinion the area is not an unhealthy area, such ratepayers may appeal to the confirming authority, and, upon their giving security to the satisfaction of that authority for costs, the confirming authority shall appoint a medical officer to inspect such area and to make a representation to the confirming authority, stating the facts of the case, and whether, in his opinion, the area is an unhealthy area or not an unhealthy area. The representation so made shall be transmitted by the confirming authority to the local authority, and if it state that the area is an unhealthy area the local authority shall proceed therein in the same manner as if it were an official representation made to that authority. **In certain cases.**

The confirming authority shall make such order as to the costs of the inquiry as he thinks just, with power to require the whole or any part of such costs to be paid by the appellants where the officer appointed is of opinion that the area is not an unhealthy area, and to declare the whole or any part of such costs to be payable by the local authority where such officer is of opinion that the area is an unhealthy area.

Any order made by the confirming authority under this section may be enforced in the same way as an order made under section six of this Act.

2. *Local Inquiry.*

15. Where a local inquiry is directed, an officer shall be sent by the confirming authority to the area to which such inquiry relates for the purpose of making an inquiry into the correctness of the official representation made to the local authority as to such area being an unhealthy area, and into the sufficiency of the scheme provided for its improvement, and into any local objections to be made to such scheme. **Proceedings on local inquiry.**

16. Before commencing such inquiry the officer appointed to conduct the same shall make public by advertisement or otherwise, in such manner as he thinks best calculated to give information to the persons residing in the area, his intention to make such inquiry, and a statement of a time and place at which he will be prepared to hear all persons desirous of being heard before him upon the subject of the inquiry. **Notice of inquiry to be publicly given.**

17. The officer conducting such inquiry shall have power to administer an oath; and he shall report the result of the inquiry to the confirming authority, who shall deal with such report in such manner as he thinks expedient. **Power to administer oath.**

3. *Acquisition of Land.*

18. The clauses of the Lands Clauses Consolidation (Scotland) Act, 1845, with respect to the purchase and taking of lands otherwise than by agreement, shall not, except to the **Acquisition of land.**

extent set forth in the schedule hereto, apply to any lands taken in pursuance of this Act, but, save as aforesaid, the said Lands Clauses Consolidation (Scotland) Act, 1845, and the Lands Clauses Consolidation Acts Amendment Act, 1860, as amended by the provisions contained in the schedule hereto, shall regulate and apply to the purchase and taking of lands in Scotland, and shall for that purpose be deemed to form part of this Act in the same manner as if they were enacted in the body thereof, subject to the provisions following; that is to say,

(1.) This Act shall authorise the taking by agreement any lands which the local authority may require for the purpose of carrying into effect the scheme authorised by any confirming Act, but it shall authorise the taking by the exercise of any compulsory powers of such lands only as are proposed by the scheme in the confirming Act to be taken compulsorily:

(2.) Whenever the compensation payable in respect of any lands or of any interests in any lands proposed to be taken compulsorily in pursuance of this Act requires to be assessed, the estimate of the value of such lands or interests shall be based upon the fair market value, as estimated at the time of the valuation being made of such lands, and of the several interests in such lands, due regard being had to the nature and then condition of the property, and the probable duration of the buildings, in their existing state, and to the state of repair thereof, and all circumstances affecting such value, without any additional allowance in respect of the compulsory purchase of an area or of any part of an area in respect of which an official representation has been made, or of any lands which in the opinion of the arbitrator have been included in a scheme as falling under the description of property named in the third section of this Act:

(3.) In the construction of the said Lands Clauses Consolidation Acts, and the provisions in the said schedule, this Act shall be deemed to be the special Act, and the local authority shall be deemed to be the promoters of the undertaking; and the period after which the powers for the compulsory purchase or taking of lands shall not be exercised shall be three years after the passing of the confirming Act.

Extinction of rights of way and other servitudes.

19. Upon the purchase by the local authority of any lands required for the purpose of carrying into effect any scheme authorised by a confirming Act, all rights of way, rights of laying down or of continuing any pipes, sewers, or drains on,

through, or under such lands, or part thereof, and all other rights or servitudes in or relating to such lands, or any part thereof, shall be extinguished, and the solum of such ways, and the property in the pipes, sewers, or drains, shall vest in the local authority, subject to this provision, that compensation shall be paid by the local authority to any persons or bodies of persons proved to have sustained loss by this section, and such compensation shall be determined in the manner in which compensation for lands is determinable under this Act, or as near thereto as circumstances admit.

4. *Expenses.*

Formation of improvement fund for purposes of this Act.

20. A separate account shall be kept by the local authority of their receipts and expenditure in respect of any transactions under this Act. Their receipts shall form a fund (in this Act referred to as "The Dwelling-house Improvement Fund"), and their expenditure shall be made out of such fund.

The moneys required in the first instance to establish such fund, and any deficiency for the purposes of this Act from time to time appearing in such fund by reason of the excess of expenditure over receipts, shall be supplied out of the local rate or out of moneys borrowed in pursuance of this Act.

In settling any accounts of the local authority in respect of any transactions under this Act, care shall be taken that, as far as may be practicable, all expenditure shall ultimately be defrayed out of the property dealt with under this Act; and any balances of profit made by the local authority under this Act shall be applicable to any purposes to which any other local rate is for the time being applicable.

The "local rate" shall mean an assessment to be levied and recovered by the local authority along with, but as a separate assessment from, any one of the assessments mentioned in section ninety-five of the Public Health (Scotland) Act, 1867.

The local authority may carry to the account of the Dwelling-house Improvement Fund any moneys or the produce of any property, which moneys or produce are or is legally applicable to purposes similar to the purposes of this Act; and in case of doubt as to whether, in any particular case, the purposes are similar to the purposes of this Act, it shall be lawful for the confirming authority to decide such question, and such decision shall be conclusive.

Power of borrowing money for the purposes of the Act.

21. Any local authority under this Act may for the purposes of this Act borrow any moneys on the security of any lands, houses, or other property acquired by them under this Act, and may mortgage such lands, houses, or other property to any person advancing such moneys, and it shall not be in any way incumbent on the mortgagees to see to the application of such moneys, nor shall they be responsible for the misapplication thereof.

Every local authority borrowing on the credit of such lands, houses, or other property as aforesaid may pay out of the local rate the interest of any moneys so borrowed by them.

Any local authority under this Act borrowing any moneys on the security of any lands, houses, or other property as aforesaid may execute such instruments by way of security, with such power of sale and other conditions as they think expedient.

Any local authority under this Act shall have the same power of borrowing on the credit of the local rate such sums of money as they may require for the purposes of this Act, as they have under section eighty-six of the Public Health (Scotland) Act, 1867, for the purpose of making, enlarging, or constructing sewers.

The Public Works Loan Commissioners, acting with the consent of the Treasury, may, on the recommendation of the confirming authority, lend to any local authority any money required by them for the purposes of this Act, on the security of the local rate. Such loan shall be repaid within such period, not exceeding fifty years, as may be recommended by the confirming authority, and shall bear interest at the rate of three and a half per cent. per annum, or such higher rate as may in the judgment of the Treasury be necessary to enable the loan to be made without loss to the Exchequer.

Any limit imposed on or in respect of local rates by any Act of Parliament other than this Act shall not apply to any rate required to be levied for the purpose of defraying any expenses under this Act.

Audit of accounts.

22. The accounts of a local authority in any burgh under this Act shall be audited in the same manner, and with the same power in the officers auditing the same, in which the account of the police assessment in such burgh is for the time being required to be audited under any general or local Act.

PART III.

GENERAL PROVISIONS.

Provision where local authority has no seal.

23. Any petition or document proceeding from a local authority may be authenticated by their seal where such authority have a seal, and in any other case by the signature of any two or more members of the local authority, or in such other manner as the confirming authority may require.

Notices.

Service of notice on the local authority.

24. Any notice required to be served upon the local authority may be lawfully served by delivering the same to the

clerk of the local authority, or leaving the same at his office with some person employed there by him.

25. The confirming authority may from time to time by order prescribe the forms of advertisements and notices under this Act; it shall not be obligatory on any persons to adopt such forms, but the same, when adopted, shall be deemed sufficient for all the purposes of this Act.

Power of confirming authority as to advertisements and notices.

26. The confirming authority may, on the consideration of any petition of a local authority for an order confirming a scheme, dispense with the publication of any advertisement, or the service of any notice, proof of which publication or service is not given to him as required by this Act, where reasonable cause is shown to his satisfaction why such publication or service should be dispensed with, and such dispensation may be made by the confirming authority either unconditionally or upon such condition as to the publication of other advertisements, and the service of other notices or otherwise, as the confirming authority may think fit, due care being taken by the confirming authority to prevent the interest of any person being prejudiced by the fact of the publication of any advertisement or the service of any notice being dispensed with in pursuance of this section.

Power of confirming authority to dispense with notices in certain cases.

27. Any notice served by the local authority for the purposes of this Act may be signed by the clerk of the local authority.

Authentication of notices served by the local authority.

Penalties.

28. Where any person obstructs the officer of health or any officer of the local or confirming authority acting in the performance of anything which the local or confirming authority are by this Act required or authorised to do, every person so offending shall, on summary conviction, for every such offence forfeit a sum not exceeding twenty pounds.

Penalty for obstructing officers in execution of Act.

All penalties imposed under this Act shall be recovered before the sheriff of the county in the sheriff court, under the provisions of "The Summary Procedure Act, 1864," and all the jurisdiction, powers, and authorities necessary for this purpose are hereby conferred on sheriffs.

Every such penalty shall be recovered at the instance of the procurator fiscal of the jurisdiction.

Every penalty imposed by this Act may be reduced or mitigated according to the judgment of the sheriff.

It shall be competent to any person aggrieved by any conviction by a sheriff in any summary proceeding under this Act to appeal against the same to the next circuit court, or where there are no circuit courts to the High Court of Justiciary at Edinburgh, in the manner prescribed by such of the provisions of the Act of the twentieth year of the reign of King George the Second, chapter 43, and any Acts amending the same, as

relate to appeals in matters criminal, and by and under the rules, limitations, conditions, and restrictions contained in the said provisions.

Saving Clause.

Relation of local Acts to general Acts.

29. Where in any place to which this Act applies any local Act is in force providing for objects the same as or similar to the objects of this Act, the enactments of such local Act may be enforced at the discretion of the local authority either instead of or in concurrence with this Act; provided that the local authority of any place to which this Act applies shall not, by reason of any local Act within its jurisdiction, be exempted from the performance of any duty or obligation to which such authority are subject under this Act.

Definitions.

Construction of terms of Act.

30. The expressions herein-after mentioned shall respectively have the meanings hereby assigned to them, unless there is something in the context inconsistent with such meanings; that is to say,

"Secretary of State" means one of Her Majesty's Principal Secretaries of State:

"Person" shall include a body of persons, corporate or unincorporate:

"Lands" shall include lands and heritages of any tenure, and any right over land:

"Sell" shall include convey by way of feu or contract of ground annual:

"The Court of Session" shall mean either division of the Inner House thereof:

"The Treasury" shall mean the Lords Commissioners of the Treasury, or any two of them:

"This Act" includes any confirming Act as herein-before defined.

SCHEDULE.

PROVISIONS WITH RESPECT TO THE PURCHASE AND TAKING OF LANDS IN SCOTLAND OTHERWISE THAN BY AGREEMENT, AND OTHERWISE AMENDING THE LANDS CLAUSES CONSOLIDATION (SCOTLAND) ACT, 1845.

Deposit of Maps and Plans.

(1.) The local authority shall as soon as practicable after the passing of the confirming Act cause to be made out, and to be signed by their clerk or some other principal officer appointed by them, maps and schedules of all lands proposed to be taken compulsorily, (which lands are herein-after referred to as the scheduled lands,) together with the names, so far as the same can be reasonably ascertained, of all persons interested in such lands as owners or reputed owners, lessees or reputed lessees, or occupiers.

(2.) The maps made by the local authority shall be upon such scale and be framed in such manner as may be prescribed by the confirming authority.

(3.) The local authority shall deposit such maps and schedules at the office of the confirming authority, and shall deposit and keep copies of such maps and schedules at the office of the local authority.

Appointment of Arbitrator.

(4.) After such deposit at the office of the confirming authority as aforesaid, it shall be lawful for the confirming authority, upon the application of the local authority, to appoint an arbitrator between the local authority and the persons interested in the scheduled lands, or lands injuriously affected by the execution of the scheme, so far as compensation for the same has not been made the subject of agreement.

Proceedings on Arbitration.

(5.) Before any arbitrator enters upon any inquiry he shall, in the presence of a justice of the peace, make and subscribe the following declaration; that is to say,

'I *A.B.* do solemnly and sincerely declare, that I will faithfully 'and honestly, and to the best of my skill and ability, hear and 'determine the matters referred to me under the provisions of the 'Artizans and Labourers Dwellings Improvement (Scotland) Act, '1875.

'*A.B.*

'Made and subscribed in the presence of .'

And such declaration shall be annexed to the award when made; and if any arbitrator, having made such declaration, wilfully act contrary thereto, he shall be guilty of a crime and offence.

(6.) As soon as an arbitrator has been appointed as aforesaid, the confirming authority shall deliver to him the maps and schedules deposited at their office, and the local authority shall publish once in each of three successive weeks the following particulars:—

(*a.*) The appointment of the arbitrator:

(*b.*) The deposit at the office of the local authority of the copies of such maps and schedules as aforesaid, with a description of the situation of such office, and a statement of the time at which such copies may be inspected by any person desirous of inspecting the same:

(*c.*) A requisition directing the owners of or parties by this Act enabled to sell and convey any of the said scheduled lands, or any lands injuriously affected by the execution of the scheme of the local authority, or any interest in such lands, to deliver to the arbitrator, on or before a day fixed by the arbitrator and named in such requisition, (and being a day not earlier than twenty-one days from the date of the insertion of the last of such notices,) a short statement in writing of the nature of their respective claims.

(7.) The arbitrator shall, after the expiration of the period within which such claims are required to be delivered to him as aforesaid, and so far as such claims may not be settled by agreement, proceed to inquire into and adjudicate according to the basis provided in this Act upon the compensation to be paid in respect of the scheduled lands, and of the several interests in such lands, and the compensation

to be made for injury to any lands as are mentioned in his appointment injuriously affected by the execution of the scheme of the local authority.

(8.) The arbitrator shall, after due inquiry and examination, frame a provisional award, setting forth the compensation to be paid by the local authority in respect of the several interests in the said scheduled lands, and also, where any inquiry relates to injury to any lands injuriously affected by the execution of the scheme of the local authority, the compensation payable in respect of such injury.

(9.) The provisional award shall be deposited at the office of the confirming authority, and a copy shall be deposited at the office of the local authority.

(10.) The arbitrator shall cause notice of such award to be given to all persons entitled to compensation under the same, or who have made a claim before such arbitrator as claimants for compensation; the arbitrator shall cause notice to be published once in each of three successive weeks, stating that a copy of the provisional award has been deposited at the office of the local authority, and he shall in the notice of the award given to such persons as aforesaid, and also in the published notice, appoint a time and place, or times and places, for holding a meeting or meetings to hear objections against such provisional award (the first such meeting to be not earlier than twenty-one days after the last day of publication of the said notice).

(11.) The arbitrator shall hold such meeting or meetings according to such notices, and thereat hear and determine any objections which may then and there be made to such provisional award by any person interested therein, or adjourn the further hearing thereof, if the arbitrator see fit, to a future meeting, and may take any measures which he may deem proper for ascertaining the compensation payable in respect of any such lands or interests as aforesaid, or the justice or propriety of any other matter of such provisional award, and may from time to time, if he see occasion, appoint and hold further meetings for hearing and determining objections to such provisional award, of which further meetings, when not holden by adjournment, notice shall be given in manner herein-before directed.

(12.) When the arbitrator has heard and determined all such objections, and made such inquiries as he may think necessary in relation thereto, and made such alterations (if any) as he may deem proper in the provisional award, he shall sign and issue a final award accordingly; and thereupon such final award shall be binding and conclusive (subject to the provisions concerning an appeal hereinafter contained) upon all persons whomsoever, and no such award shall be set aside for irregularity in matter of form.

(13.) Such final award as aforesaid shall be deposited at the office of the confirming authority, and a copy thereof shall be deposited at the office of the local authority, and the local authority shall thereupon publish once in each of three successive weeks notice of the deposit having been made at the office of the local authority of a copy of the award so confirmed, and a further notice requiring all persons claiming to have any right to or interest in the lands (the compensation to be paid in respect of which is ascertained by such award) to deliver to the local authority, on or before a day to be named in such notice (such day not being earlier than twenty-one days from the date of the last publication of the notice), a short statement in writing of the nature of such claim, together with a legal progress of the title deeds of the lands in respect of which the claim is made; and

such statement, and an inventory of the title deeds forming such progress, shall be paid for by the local authority.

Payment of Purchase Money.

(14.) Within thirty days from the delivery of such statement and progress of titles as aforesaid to the local authority, the local authority shall, where it appears to them that any person so claiming is absolutely entitled to the lands, estate, or interest claimed by him, deliver to such person, on demand, a certificate stating the amount of the compensation to which he is entitled under the said award.

(15.) Every such certificate shall be prepared by and at the costs of the local authority; and where any agreement has been entered into as to the compensation payable in respect of the interest of any person in any lands, the local authority may, where it appears to them that such person is absolutely entitled, deliver to such person a like certificate.

(16.) The local authority shall, thirty days after demand, pay to the party to whom any such certificate is given, or otherwise as herein provided in the cases herein-after mentioned, the amount of moneys specified to be payable by such certificate to the party to whom or in whose favour such certificate is given, his or her heirs, executors, or assignees.

(17.) If the local authority wilfully make default in such payment as aforesaid, then the party named in such certificate shall be entitled to record the same in the books of council and session, or other judge's books competent, and to have a decree interponed thereto, and to be extracted with a view to execution, in the like manner as if a formal clause of registration had been contained therein; and all diligence and execution shall be competent thereon in the like manner and to all effects as upon any bond containing such formal clause of registration; and all moneys payable under such certificates, or to be recovered by such execution and diligence as aforesaid, shall be taken as personal estate as from the time of the local authority entering on any such lands as aforesaid.

(18.) When and so soon as the local authority have paid to the party to whom any such certificate as aforesaid is given, or otherwise, as herein provided, in the cases herein-after mentioned, the amount specified to be payable by such certificate to the party to whom or in whose favour the certificate is given, his heirs, executors, or assignees, it shall be lawful for the local authority, upon obtaining such conveyance as herein-after mentioned, from time to time to enter upon any lands in respect of which such certificate is given, and thenceforth to hold the same for the estate or interest in respect of which the amount specified in such certificate was payable.

(19.) In every case in which any moneys are paid by any local authority under this Act, for such compensation as aforesaid, the party receiving such moneys shall give to the local authority a conveyance of the lands in respect of which such moneys are paid, or of all the estate and interest of such party, and of all parties claiming under or through him, in such lands, and every such conveyance shall be prepared by and at the costs of the local authority.

(20.) If it appear to the local authority, from any such statement and progress of titles as aforesaid, or otherwise, that the party making any such claim as aforesaid is not absolutely entitled to the lands, estate, or interest in respect of which his claim is made, or is under any disability, or if the title to such lands, estate, or interest be not

satisfactorily deduced to the local authority, then and in every such case the amount to be paid by the local authority in respect of such lands, estate, or interest as aforesaid shall be paid and applied as provided by the clauses of "The Lands Clauses Consolidation (Scotland) Act, 1845," "with respect to the purchase money or compen-" sation coming to parties having limited interests, or prevented from " treating, or not making title."

(21.) Where any person claiming any right or interest in any lands refuses to produce his title to the same, or where the local authority have under the provisions of this Act taken possession of any lands in respect of the compensation whereof, or of any estate or interest wherein, no claim has been made within one year from the time of the local authority taking possession, or if any party to whom any such certificate has been given or tendered refuses to receive such certificate, or to accept the amount therein specified as payable to him, then and in any such case the amount payable by the local authority in respect of such lands, estate, or interest, or the amount specified in such certificate, shall be paid into any one of the incorporated or chartered banks in Scotland, in manner provided by the last-mentioned clauses of "The Lands Clauses Consolidation (Scotland) Act, 1845," and the amount so paid into the said bank shall be accordingly dealt with as by the said Act provided.

(22.) Nothing herein contained shall prevent the local authority from requiring any further evidence of title respecting any lands included in any such award as aforesaid, in addition to the statement and progress of titles herein-before mentioned, if they think fit, so as the same be obtained at the costs of the local authority.

(23.) If from any reason whatever the local authority does not deliver the certificate aforesaid to any party claiming to be entitled to any interest in any lands the possession whereof has been taken by the local authority as aforesaid, then the right to have a certificate according to the provisions of this Act may, at the costs and charges of the local authority, be enforced by any party or parties, by application to the Court of Session, in a summary way by petition, and all other rights and interests of any party or parties arising under the provisions of this Act may be in like manner enforced against the local authority by such application as aforesaid.

Entry on Lands on making Deposit.

(24.) Where the local authority are desirous, for the purposes of their works, of entering upon any lands before they would be entitled to enter thereon under the provisions herein-before contained, it shall be lawful for the local authority, at any time, after the arbitrator has framed his provisional award, upon depositing in any of the banks before mentioned such sum as the arbitrator may certify to be in his opinion the proper amount to be so deposited in respect of any lands authorised to be purchased or taken by the local authority, and mentioned in such provisional award, to enter upon and use such lands for the purposes of the improvement scheme of the local authority; and the arbitrator shall, upon the request of the local authority, at any time after he has framed such provisional award, certify under his hand the sum which, in his opinion, should be so deposited by the local authority in respect of any lands mentioned in such provisional award before they enter upon and use the same as aforesaid, and the sum to be so certified shall be the sum or the amount of the

several sums set forth in such provisional award as the sum or sums to be paid by the local authority in respect of such lands, or such greater amount as to the arbitrator, under the circumstances of the case, may seem proper; and, notwithstanding such entry as aforesaid, all proceedings for and in relation to the completion of the award, the delivery of certificates, and other proceedings under this Act, shall be had, and payments made, as if such entry and deposit had not been made; provided that the local authority shall, where they enter upon any lands by virtue of this present provision, pay interest at the rate of five pounds per centum per annum upon the compensation money payable by them in respect of any lands so entered upon, from the time of their entry until the time of the payment of such money and interest to the party entitled thereto, or where, under the provisions of this Act, such compensation is required to be paid into any of the said banks, then until the same, with such interest, is paid into such bank accordingly; and where under this provision interest is payable on any compensation money the certificate to be delivered by the local authority in respect thereof shall specify that interest is so payable, and the same shall be recoverable in like manner as the principal money mentioned in such certificate.

(25.) The money so deposited as last aforesaid shall be paid into any of the said banks to such account as may from time to time be directed by any regulation or Act for the time being in force in relation to moneys deposited in such bank in similar cases, or to such account as may be directed by any order of the Court of Session, and remain in the bank by way of security to the parties interested in the lands which have been so entered upon, for the payment of the money to become payable by the local authority in respect thereof under the award of the arbitrator; and the money so deposited may, on the application by petition of the local authority, be ordered to be invested in Government securities, and accumulated; and upon such payment as aforesaid by the local authority it shall be lawful for the Court of Session, upon a like application, to order the money so deposited, or the funds in which the same shall have been invested, together with the accumulation thereof, to be repaid or transferred to the local authority, or, in default of such payment as aforesaid by the local authority, it shall be lawful for the said court to order the same to be applied in such manner as it thinks fit for the benefit of the parties for whose security the same shall so have been deposited.

Appeal.

(26.) Where the party named in any certificate issued under the provisions herein-before contained of the amount of the compensation ascertained by any award under this Act (or any party claiming under the party so named) is dissatisfied with the amount in such certificate certified to be payable, and such amount exceeds five hundred pounds, and

Where any party claiming any interest in any moneys so paid into bank as aforesaid is dissatisfied with the amount of the price or compensation in respect of which such moneys are paid into bank, and such amount exceeds five hundred pounds, also

Where the local authority is dissatisfied with the amount of compensation which the arbitrator appointed under the provisions of this Act has awarded to be paid by the local authority to any person in respect of any estate or interest in lands, and such amount exceeds the sum of five hundred pounds;

The party dissatisfied may submit the question of the proper amount of compensation to a jury, provided that such party give notice in writing to the other party of their intention to appeal within ten days after notice has been given that the cause of appeal has arisen.

The cause of appeal shall be deemed to have arisen,—

(1.) Where a certificate has been issued as aforesaid, at the date of the issue of the certificate:

(2.) Where moneys have been paid into bank, at the date of the payment into bank:

(3.) Where the local authority appeals, at the date of the making of the final award.

(27.) Where a notice has been given under this Act of an appeal to a jury in respect of compensation for land, or any interest in land, a question of disputed compensation required to be determined by the verdict of a jury shall be deemed to have risen within the meaning of the Lands Clauses Consolidation (Scotland) Act, 1845, and all the provisions of that Act contained in sections thirty-seven to fifty-five, both inclusive, shall be deemed to apply, except section forty-six: Provided also, that in the construction of the said sections,—

(1.) Where the local authority appeals, that authority shall be deemed to be the pursuer, and the party entitled to compensation to be the defender; and,

(2.) Where the party claiming compensation appeals, then, in case the verdict of the jury is for a sum exceeding the award of the arbitrator, the local authority shall pay to such party the costs of the trial, such costs to be taxed and ascertained in the same manner as costs are by law ascertained in jury trials before the Court of Session; but in case the verdict of the jury is for a sum not exceeding the award of the arbitrator, the party appealing shall pay to the local authority the costs of the trial to be taxed and ascertained in manner aforesaid.

(3.) Where the local authority is the appellant,—

(1.) Notwithstanding the verdict of the jury may be for a sum less than that awarded by the arbitrator, the local authority shall pay to the other party such sum not exceeding twenty pounds for the costs of the trial as the sheriff or sheriff substitute before whom the same is tried shall direct; and,

(2.) In case the verdict of the jury is for a sum equal to or exceeding the award of the arbitrator, the local authority shall pay to the other party the costs of the trial, such costs to be taxed and ascertained in manner aforesaid.

(4.) The amount of compensation awarded by the arbitrator shall not be communicated to the jury, but they shall be required to make an independent assessment of the amount of compensation to which the party claiming compensation is entitled.

Costs of Arbitration.

(28.) The salary or remuneration, travelling and other expenses of the arbitrator, and all costs, charges, and expenses (if any) which may be incurred by the confirming authority in carrying the provisions of this Act into execution, shall be paid by the local authority; and

the amount of such costs, charges, and expenses shall from time to time be certified by the confirming authority after first hearing any objections that may be made to the reasonableness of any such costs, charges, and expenses by or on behalf of the local authority; and every certificate of the said confirming authority certifying the amount of such costs, charges, and expenses shall be taken as proof in all proceedings at law of the amount of such respective costs, charges, and expenses, and the amount so certified shall be a debt due from the local authority to the Crown, and shall be recoverable in the same manner as the costs, charges, and expenses contained in any order of the confirming authority made under section six of this Act.

(29.) It shall be lawful for the arbitrator, where he thinks fit, upon the request of any party by whom any claim has been made before him, to certify the amount of the costs properly incurred by such party in relation to the arbitration, and the amount of the costs so certified shall be paid by the local authority; and if within seven days after demand the amount so certified be not paid to the party entitled to receive the same, such amount shall be recoverable as a debt from such local authority, with interest at the rate of five per cent. for any time during which the same remains unpaid after such seven days as aforesaid, but no such certificate shall be given where the arbitrator has awarded the same or a less sum than has been offered by the local authority in respect of such claim before the appointment of the arbitrator.

Miscellaneous.

(30.) The arbitrator may call for the production of any documents in the possession or power of the local authority, or of any party making any claim under the provisions of this Act, which such arbitrator may think necessary for determining any question or matter to be determined by him under this Act, and may examine any such party and his witnesses, and the witnesses for the local authority, on oath, and administer the oaths necessary for that purpose.

(31.) If any arbitrator appointed in pursuance of this Act die, or refuse, decline, or become incapable to act, the confirming authority may appoint an arbitrator in his place, who shall have the same powers and authorities as the arbitrator first appointed; and upon the appointment of any arbitrator in the place of an arbitrator dying, or refusing, declining, or becoming incapable to act, all the documents relating to the matter of the arbitration which were in the possession of such arbitrator shall be delivered to the arbitrator appointed in his place, and the local authority shall publish notice of such appointment in the Edinburgh Gazette.

(32.) All notices required by this schedule to be published shall be published in some one and the same newspapers circulating within the jurisdiction of the local authority; and where no other form of service is prescribed, all notices required to be served or given by the local authority under this schedule, or otherwise, upon any persons interested in or entitled to sell lands, shall be served in manner in which notices of lands proposed to be taken compulsorily for the purpose of an improvement scheme are directed by this Act to be served upon owners or reputed owners, lessees or reputed lessees, and occupiers.

CHAPTER 50.

An Act to amend the Acts relating to the County Courts. [2d August 1875.]

WHEREAS it is desirable to amend the Acts relating to the county courts:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

In respect of certain demands plaintiff may require defendant to give notice of intention to defend, on pain of judgment by default.

1. In any action in a county court for a debt or liquidated money demand, the plaintiff may, at his option, cause to be issued a summons in the ordinary form, or (upon filing an affidavit to the effect set forth in the form in Schedule (A.) to this Act) a summons in the form or to the effect given in Schedule (B.) to this Act, and if such last-mentioned summons be issued it shall be personally served on the defendant, and if the defendant shall not, within sixteen days after service of the summons, inclusive of the day of service, give notice in writing, signed by himself or his attorney, to the registrar of the court from which the summons issued, of his intention to defend, the plaintiff may, after sixteen days and within two months from the day of service, upon proof of its service, or of an order for leave to proceed as if personal service had been effected, have judgment entered up against the defendant for the amount of his claim and costs, such costs to be taxed by the registrar.

The order upon such judgment shall be for payment forthwith, or at such time or times, and by such instalments, if any, as the plaintiff, or his attorney, shall in writing have consented to take at the time of the entry of the plaint or of the judgment.

Where the defendant shall have given notice of defence, the registrar shall, immediately upon the receipt of such notice, send a letter to the plaintiff or his attorney by post, stating therein that the defendant has given notice of his intention to defend, and shall send by post, to both plaintiff and defendant, notice of the day upon which he shall have fixed that the trial shall take place, at least six clear days before the day so fixed.

Where the defendant shall neglect to give such notice of defence, the judge or registrar shall, upon an affidavit disclosing a defence upon the merits, and satisfactorily explaining his neglect, let in the defendant to defend, upon such terms as he may think just.

Where personal service cannot be effected, and the judge or registrar is satisfied by affidavit that reasonable efforts have been made to effect such service, and either that the summons has come to the knowledge of the defendant, or that

he wilfully evades service of the same, it shall be lawful for the judge or registrar to order that the plaintiff be at liberty to proceed as if personal service had been effected, subject to such conditions as to the judge or registrar may seem fit.

Provided always, that no other summons than a summons in the ordinary form shall, without leave of the judge or registrar, be issued where the amount claimed shall not exceed five pounds, unless the action is for the price, value, or hire of goods which, or some part of which, were sold and delivered or let on hire to the defendant to be used or dealt with in the way of his trade, profession, or calling, and the leave of the judge or registrar shall be given in accordance with regulations to be prescribed by rules of court.

Summonses to witnesses.

2. Either of the parties to an action or any other proceeding may obtain of the registrar of the court summonses to witnesses, with or without a clause requiring the production of books, deeds, papers, and writings in the possession or control of the person summoned as a witness; and such summonses, and any summonses which are now or may be required to be served personally, may, under such regulations as may be prescribed by rules of court, be served by a bailiff of the court or otherwise.

How service of summonses by a bailiff may be proved.

3. Where any summons or other process of the court is served by a bailiff of any county court, the service may be proved by endorsement on a copy of the summons or process under the hand of such bailiff, showing the fact and mode of the service of such summons or process; and any such bailiff wilfully and corruptly endorsing any false statement on the copy of a summons or other process shall be guilty of a misdemeanor, and on conviction thereof shall be removed from his office or employment, and shall incur the same penalties as are or may be incurred by persons convicted of wilful and corrupt perjury.

Judge may do certain things within or without his circuit.

4. A judge of county courts shall, whether within the district of any of his courts or not, have jurisdiction to make any order, or exercise, on an ex parte application, any authority or jurisdiction in any action or proceeding pending in any of the courts of which he is judge, which, if the same related to an action or proceeding pending in one of Her Majesty's superior courts, might be given, made, or exercised by a judge of such last-mentioned courts in chambers, and, with the consent of both parties to an action or proceeding, to hear and decide any matter at any place either within or without any such district.

As to appointment of assessors.

5. In any action or proceeding it shall be lawful for the judge, if he think fit, on the application of either party, to summon to his assistance, in such manner as may be prescribed by rules of court, one or more persons of skill and experience

in the matter to which the action or proceeding relates, who may be willing to sit with the judge and act as assessors; and their remuneration for so sitting shall be at such rate as may be prescribed by rules of court, and shall be costs in the cause or proceeding, unless otherwise ordered by the judge; but where any person is proposed to be summoned as an assessor, objection to him, either personally or in respect of his qualification, may be taken by either party in manner to be prescribed by rules of court.

Appeal may be made within eight days without stating special case.

6. In any cause, suit, or proceeding, other than a proceeding in bankruptcy, tried or heard in any county court, and in which any person aggrieved has a right of appeal, it shall be lawful for any person aggrieved by the ruling, order, direction, or decision of the judge, at any time within eight days after the same shall have been made or given, to appeal against such ruling, order, direction, or decision by motion to the court to which such appeal lies, instead of by special case, such motion to be ex parte in the first instance, and to be granted on such terms as to costs, security, or stay of proceedings as to the court to which such motion shall be made shall seem fit. And if the court to which such appeal lies be not then sitting, such motion may be made before any judge of a superior court sitting in chambers. And at the trial or hearing of any such cause, suit, or proceeding, the judge, at the request of either party, shall make a note of any question of law raised at such trial or hearing, and of the facts in evidence in relation thereto, and of his decision thereon, and of his decision of the cause, suit, or proceeding, and he shall, at the expense of any person or persons, being party or parties in any such cause, suit, or proceeding, requiring the same for the purpose of appeal, furnish a copy of such note, or allow a copy to be taken of the same by or on behalf of such person or persons, and he shall sign such copy, and the copy so signed shall be used and received on such motion and at the hearing of such appeal.

Remuneration of officers under this and other Acts passed or to be passed.

7. The Treasury shall direct whether any and what remuneration shall be allowed to any person performing any duties under this Act, or under any Act passed heretofore or to be passed, where by such Act no remuneration is or shall be given for the performance of duties by officers of the courts; and such remuneration shall be paid out of the fees which the Treasury, with the consent of the Lord Chancellor, is empowered by section seventy-nine of "The County Courts Act, 1856," to order to be taken on proceedings which were then authorised or might thereafter be authorised to be taken in the county courts.

This section shall not apply to the City of London Court.

Scale of costs to be framed by the judges.

8. The judges of county courts appointed or to be appointed by the Lord Chancellor from time to time to frame rules and orders for regulating the practice of the courts and forms of

proceeding therein under the thirty-second section of "The County Courts Act, 1856," shall be empowered to frame a scale of costs and charges to be paid to counsel and attorneys with respect to all proceedings which are now, or shall hereafter be, authorised to be taken in such courts, and from time to time to amend such scale; and such scale or amended scale, certified under the hands of such judges, or any three or more of them, shall be submitted to the Lord Chancellor, who from time to time may allow or disallow or alter the same, and the scale or amended scale, so allowed or altered, shall, from a day to be named by the Lord Chancellor, be in force in every county court.

Appointment of high bailiff as registrar to vacate high bailiffship.

9. The appointment of a high bailiff of a county court as registrar of a county court shall vacate the office of high bailiff held by such appointee.

As to appeals to the Queen in Council in Admiralty causes.

10. There shall be no appeal from a decree or order of the High Court of Admiralty of England made on appeal from the county court when such decree or order affirms the judgment of the county court, except by express permission of the judge of the High Court of Admiralty. When upon an appeal the High Court of Admiralty alters the judgment of the county court no leave to appeal to Her Majesty in Council shall be necessary.

In what cases assessors shall be summoned.

11. Where an Admiralty cause has been heard in the county court with the assistance of nautical assessors, elder brethren of the Trinity House shall be summoned to assist on the hearing of an appeal by the High Court of Admiralty if either party shall require the same, and the judge of the High Court shall be of opinion that the assistance of the elder brethren is necessary or desirable.

Enactments in Schedule (C.) repealed.

12. The several enactments specified in Schedule (C.) to this Act are hereby repealed to the extent mentioned in the third column of the said schedule; but this repeal shall not affect the course of any proceeding taken before such repeal.

This Act and other County Courts Acts to be construed together.

13. This Act and "The County Courts Act, 1846," and the several Acts altering or amending the same, shall be construed together as one Act, and this Act may be cited as "The County Courts Act, 1875."

Commencement of Act.

14. This Act shall come into operation on the second day of November next after the passing hereof.

SCHEDULE (A.)

Affidavit.

I, *A.B.*, of, *&c.*, make oath and say, that *C.D.*, of [*address, occupation, and description*] is indebted to me in the sum of
for [*add, where the action is brought for a demand*

not exceeding five pounds, and I further say that the
were sold and delivered [*or* let on hire] to the said *C.D.* to be used or dealt with in the way of his trade [*or* profession or calling] of a
].

Sworn at, *&c.* *A.B.*

NOTE.—[*When affidavit is made by a clerk alter the form accordingly, and add the following:* That I am a person in the employ of *A.B.*, and that I am duly authorised by him to make this affidavit, and that it is within my own knowledge that the aforesaid debt was incurred, and for the consideration above stated, and that such debt, to the best of my knowledge and belief, still remains unpaid and unsatisfied.]

SCHEDULE (B.)

Summons to obtain Judgment by Default on Personal Service.

No. [*of plaint*].
In the [*title of court issuing summons*].
[*Seal.*] Between *A.B.* [*address and description*], Plaintiff,
and
C.D. [*address and description*], Defendant.

TAKE NOTICE, That, unless within sixteen days after the personal service of this summons on you, inclusive of the day of such service, you return to the registrar of this court at [*place of office*] the notice given below, dated and signed by yourself or your attorney, you will not afterwards be allowed to make any defence to the claim which the Plaintiff makes on you, as per margin, the particulars of which are hereunto annexed; but the Plaintiff may, without giving any further proof in support of such claim than the affidavit filed in court herein, proceed to judgment and execution. If you return such notice to the registrar within the time specified, the registrar will send you by post notice of the day upon which the action will be tried.

	£	s	d.
Claim - - -	...	..	...
Fee for plaint -	...	...	...
Attorney's costs (where payable)	...	...	...
Total amount of debt and costs	..	...	...

Dated this day of 18 .
Registrar of the Court.

To the Defendant. *See* below.

[*Notice of intention to defend or to object to the jurisdiction of the Court*]

No. [*of plaint*].
In the [*title of court*].
A.B. v. *C.D.*

I intend to defend this cause [*or* to object to the jurisdiction of the court].

Dated this day of 18 .
(*) Defendant.

[*To be endorsed on the Summons.*]

(*) Here must be signed the name of defendant or of his attorney, and in the last case the words "attorney for" must be added.

If you pay the debt and costs, as per margin on the other side, into the registrar's office, within sixteen days after the service of this summons, and without returning the notice of intention to defend, you will avoid further costs.

If you do not return the notice of intention to defend, but allow judgment against you by default, you will *save half the hearing fee*, and the order upon such judgment will be to pay the debt and costs forthwith [*or* by instalments, *to be specified as in Plaintiff's written consent*].

If you admit a part only of the claim, you must return the notice of intention to defend within the time specified on the summons; and you may, by paying into the registrar's office at the same time the amount so admitted, together with costs proportionate to the amount you pay in, avoid further costs, unless the Plaintiff at the trial shall prove a claim against you exceeding the sum so paid.

If you intend to dispute the Plaintiff's claim on any of the following grounds,—

1. That the Plaintiff owes you a debt which you claim should be set off against it;
2. That you were under twenty-one when the debt claimed was contracted;
3. That you were then, or are now, a married woman;
4. That the debt claimed is more than six years old;
5. That you have been discharged from the Plaintiff's claim under a Bankrupt or Insolvent Act;

you must, in addition to the notice of intention to defend, give to the registrar notice of such special defence; and such last-mentioned notice must contain the particulars required by the rules of the court; and you must deliver to the registrar as many copies of such notice as there are Plaintiffs, and an additional copy for the use of the court. If your defence be a set-off, you must, with the notice thereof, also deliver to the registrar a statement of the particulars thereof. If your defence be a tender, you must pay into court, before or at the trial, the amount tendered.

If you give such notice of intention to defend within the time specified, you may, *if the debt exceeds five pounds*, have the case tried by a jury, on giving notice in writing at the registrar's office three clear days before the trial, and on payment of five shillings for the use of such jury.

SCHEDULE (C.)

Reference to Act.	Title of Act.	Extent of Repeal.
9 & 10 Vict. c. 95. -	An Act for the more easy recovery of small debts and demands in England.	So much of section sixty-two as requires the service of a summons or other process to be proved by affidavit, and the whole of sections eighty-five and one hundred and three.
19 & 20 Vict. c. 108. -	An Act to amend the Acts relating to County Courts.	The whole of the sections numbered respectively twenty-eight and twenty-nine.

Reference to Act.	Title of Act.	Extent of Repeal.
9 & 30 Vict. c. 4. -	An Act for the abolition of the offices of Treasurer and of High Bailiff of County Courts as vacancies shall occur, and to provide for the payment of future Registrars of County Courts.	The whole of sections six and seven.
30 & 31 Vict. c. 142. -	An Act to amend the Acts relating to the jurisdiction of the County Courts.	The whole of sections two and thirty-two.
31 & 32 Vict. c. 71. -	An Act for conferring Admiralty jurisdiction on the County Courts.	The whole of section twenty-nine.

CHAPTER 51.

An Act to amend the Act of the Session of the thirty-fifth and thirty-sixth years of the reign of Her present Majesty, chapter nineteen, intituled "An "Act for the prevention and punishment of crimi-"nal outrages upon natives of the islands in the "Pacific Ocean." [2d August 1875.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Construction of Act and short title.

1. This Act shall be construed as one with the Act of the session of the thirty-fifth and thirty-sixth years of the reign of Her present Majesty, chapter nineteen (in this Act referred to as the principal Act); and the expression "this Act," when used in the principal Act, shall be deemed to include this Act.

The principal Act and this Act may be cited together as the Pacific Islanders Protection Acts, 1872 and 1875, and each of them may be cited separately as the Pacific Islanders Protection Act of the year in which it was passed.

Amendment of 35 & 36 Vict. c. 19. s. 3. as to the carrying in British vessels of native labourers.

2. Whereas by section three of the principal Act it is enacted that it shall not be lawful for any British vessel to carry native labourers of the islands in the Pacific Ocean referred to in the said Act, not being part of the crew of such vessel, unless the master has given such bond as is therein mentioned, and has obtained from a governor of one of the Australasian colonies or a British consular officer a license in the form contained in Schedule B. to the said Act:

And whereas such license does not authorise the carrying in a British vessel of the said native labourers for the purpose of carrying on any fishery, industry, or occupation in connexion with the said vessel, and it is expedient to authorise the same: Be it therefore enacted as follows:

The license mentioned in sections three and five of the principal Act may authorise a British vessel to carry native labourers in such vessel for the purpose of carrying on any fishery, industry, or occupation in connexion with the said vessel, and may for that purpose be in the form contained in the Schedule B. to this Act, in lieu of the form contained in Schedule B. to the principal Act, and the bond mentioned in section three of the principal Act shall in such case be in the form contained in Schedule A. to this Act in lieu of the form contained in Schedule A. to the principal Act.

If a native labourer, carried in pursuance of a license issued under this section, is not engaged in like manner as a seaman forming part of the crew of the vessel, by an agreement made in accordance with the Merchant Shipping Act, 1854, and the Acts amending the same, the engagement of such labourer shall be recorded in such manner and with such particulars as may be from time to time prescribed by Her Majesty by Order in Council, but in all cases the name of the labourer engaged shall be entered in the official log with particulars sufficient to identify such labourer.

Amendment of 35 & 36 Vict c. 19. ss. 6 and 16. as to seizure of suspected British vessels.

3. Whereas by sections six and sixteen of the principal Act provision is made with respect to the detention, seizure, and bringing in for adjudication of a British vessel suspected of being employed or found employed in the commission of the offences therein mentioned, or otherwise as in the said sections mentioned, and it is expedient to amend such provision: Be it therefore enacted as follows:

Where a British vessel may, under the principal Act, be detained, seized, and brought in for adjudication by any officer, all goods and effects found on board such vessel may also be detained, seized, and brought in for adjudication by such officer, either with or without such vessel; and all the provisions of the principal Act referring to the seizure or detention of a vessel shall, so far as is consistent with the tenor thereof, be construed also to refer to the seizure and detention of such goods and effects.

Jurisdiction of courts in regard to vessels, goods, and effects seized under 35 & 36 Vict. c. 19. or this Act.

4. Whereas it is expedient to amend the provisions made by the principal Act with respect to the jurisdiction of the Admiralty Courts: Be it therefore enacted as follows:

The High Court of Admiralty of England and every Vice-Admiralty Court in Her Majesty's dominions out of the United Kingdom shall have jurisdiction to try and condemn as forfeited to Her Majesty or restore any vessel, goods, and effects alleged to be detained or seized in pursuance of the principal Act or of this Act, and on restoring the same to

award such damages in respect of the detention and seizure of such vessel, goods, and effects, or any of them, and of any person on board such vessel, and in respect of any act or thing done in relation to such detention or seizure, or in respect of any of such matters, and in any case to make such order as to costs, as, subject to the provisions of the principal Act and this Act, the court may think just

For the purposes of the principal Act and this Act, any court mentioned in this section shall have the same powers as are by sections twelve and thirteen of the principal Act (which sections relate to the issue of commissions for the examination of witnesses and other matters relative to obtaining evidence) vested in the supreme court of any of the Australasian colonies, and further all powers which such court has in the case of any vessel, goods, and effects, or matter brought before it in the exercise of its jurisdiction under any other Act or otherwise.

Adaptation of 35 & 36 Vict. c. 19. ss 19 and 20. to this Act.

5. Sections nineteen and twenty of the principal Act, which relate to proceedings instituted in and an award of damages by a Vice-Admiralty Court in respect of the seizure or detention of a vessel, shall extend to any such proceedings and award by the High Court of Admiralty of England, and to any such proceedings and award, either in that Court or any Vice-Admiralty Court, in respect of the seizure or detention of any goods or effects authorised by this Act to be seized or detained.

Power for Her Majesty to exercise jurisdiction over British subjects in islands of the Pacific Ocean.

Office of High Commissioner.

6. It shall be lawful for Her Majesty to exercise power and jurisdiction over Her subjects within any islands and places in the Pacific Ocean not being within Her Majesty's dominions, nor within the jurisdiction of any civilized power, in the same and as ample a manner as if such power or jurisdiction had been acquired by the cession or conquest of territory, and by Order in Council to create and constitute the office of High Commissioner in, over, and for such islands and places, or some of them, and by the same or any other Order in Council to confer upon such High Commissioner power and authority, in Her name and on Her behalf, to make regulations for the government of Her subjects in such islands and places, and to impose penalties, forfeitures, or imprisonments for the breach of such regulations

Power to Her Majesty to erect a court of justice for British subjects in the islands of the Pacific.

It shall be lawful for Her Majesty, by Order in Council, to create a court of justice with civil, criminal, and Admiralty jurisdiction over Her Majesty's subjects within the islands and places to which the authority of the said High Commissioner shall extend, and with power to take cognizance of all crimes and offences committed by Her Majesty's subjects within any of the said islands and places, or upon the sea, or in any haven, river, creek, or place within the jurisdiction of the Admiralty; and Her Majesty may, by Order in Council, from time to time direct that all the powers and jurisdiction

aforesaid, or any part thereof, shall be vested in and may be exercised by the court of any British colony designated in such Order, concurrently with the High Commissioner's court or otherwise, and may provide for the transmission of offenders to any such colony for trial and punishment, and for the admission in evidence on such trial of the depositions of witnesses taken in such islands and places as aforesaid, and for all other matters necessary for carrying out the provisions of such Order in Council.

Power to make ordinances.

It shall also be lawful for Her Majesty, by any Order or Orders in Council, from time to time to ordain for the government of Her Majesty's subjects, being within such islands and places, any law or ordinance which to Her Majesty in Council may seem meet, as fully and effectually as any such law or ordinance could be made by Her Majesty in Council for the government of Her Majesty's subjects within any territory acquired by cession or conquest.

High Commissioner to have powers of consular officer.

The person for the time being lawfully acting in the capacity of High Commissioner, and any Deputy Commissioner duly appointed and empowered under the provisions of any such Order in Council as aforesaid, and acting under the directions of the High Commissioner, shall have and may exercise and perform any power, authority, jurisdiction, and duty vested in or imposed upon any British consular officer by the principal Act or by any other Act having reference to such consular officers, passed either before or after the passing of this Act; and every such Act shall be construed as if the said High Commissioner and Deputy Commissioner were named therein in addition to a British consular officer.

Saving of rights of tribes.

7. Nothing herein or in any such Order in Council contained shall extend or be construed to extend to invest Her Majesty, her heirs or successors, with any claim or title whatsoever to dominion or sovereignty over any such islands or places as aforesaid, or to derogate from the rights of the tribes or people inhabiting such islands or places, or of chiefs or rulers thereof, to such sovereignty or dominion, and a copy of every such Order in Council shall be laid before each House of Parliament within thirty days after the issue thereof, unless Parliament shall not then be in session, in which case a copy shall be laid before each House of Parliament within thirty days after the commencement of the next ensuing session.

Amendment of definitions in 35 & 36 Vict. c. 19.

8. Whereas by reason of the cession to Her Majesty of the colony of Fiji, it is expedient to amend the definition of Australasian colonies in the principal Act: Be it therefore enacted as follows:

The term "Australasian colonies" in the principal Act and this Act shall mean and include the colony of Fiji.

Subject to the provisions of any Act or ordinance passed by the Legislature of the colony of Fiji, the provisions of the principal Act and this Act shall continue to apply and be

deemed always to have continued to apply to natives of Fiji in like manner as if they were natives of islands in the Pacific Ocean not being in Her Majesty's dominions nor within the jurisdiction of any civilized power.

Alteration of forms.

9. The forms in the schedules to the principal Act shall be altered by the substitution of a reference to the Pacific Islanders Protection Acts, 1872 and 1875, for the reference therein to the principal Act.

Proclamation of Act.

10. This Act shall be proclaimed in each Australasian colony by the governor thereof within six weeks after a copy of it has been received by such governor, and shall take effect in the said colony from the day of such proclamation.

Repeal of 35 & 36 Vict. c. 19. ss. 1, 18, and 21.

11. Sections one, eighteen, and twenty-one of the principal Act are hereby repealed, without prejudice to anything duly done or suffered in pursuance of those sections, or any right or liability acquired, accrued, or incurred under those sections, or any investigation, legal proceeding, or remedy in respect of any such right or liability, or otherwise, commenced in pursuance of those sections, and any such investigation, legal proceeding, and remedy may be carried on as if this Act had not passed.

SCHEDULE A.

Form of Bond to be entered into by Masters of Vessels under the "Pacific Islanders Protection Acts, 1872 *and* 1875."

Know all men by these presents, That we, *A.B.*, of , and *C.D.*, of , are held and firmly bound unto our Sovereign Lady Queen Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, in the sum of five hundred pounds of good and lawful money of Great Britain, to be paid to our said Sovereign Lady the Queen, her heirs and successors, to which payment well and truly to be made we bind ourselves and every of us, jointly and severally, for and in the whole, our heirs, executors, and administrators, and every of them, firmly by these presents.

Sealed with our seals. Dated this day of 187 .

Whereas it is enacted by "The Pacific Islanders Protection Act, 1875," that a license may be given by the Governor of one of the Australian colonies, as therein defined, or a British consular officer, authorising a British vessel to carry native labourers in such vessel for the purpose of carrying on any fishery, industry, or occupation in connexion with the said vessel:

Now the condition of their obligation is this, that if in respect of the vessel ,whereof the above bounden *A.B.* is master, all and every the requirements of the said Acts, so far as they are applicable thereto, and of the license issued under "The Pacific Islanders Protection Act, 1875," to the said master shall be well and truly performed, and if the above bounden *A.B.* shall satisfy the Governor of any of Her Majesty's Australian colonies, or the British consular officer aforesaid, that no kidnapping was allowed or

connived at by any person on board of or connected with the said vessel during the currency of the said license, then this obligation is to be void, otherwise to remain in full force.

Signed, sealed, and delivered by the above bounden *A.B.* and *C.D.*, in the presence of *E.F.*, of . (L.S.)

(L.S.)

SCHEDULE B.

(*Royal Arms.*)

LICENSE for the Employment of Natives at Sea.

A.B., master of the , the vessel more particularly described below, having shown to my satisfaction that he is engaged in the fishery [*or* industry *or* occupation, *as the case may be,*] of , in connexion with such vessel, and having given the bond to Her Majesty required by the Pacific Islanders Protection Acts, 1872 and 1875, I [the Governor of the Colony of , *or* Her Majesty's Consul of , *as the case may be,*] do hereby, in exercise of the authority for that purpose conferred on me by the said Acts, license the said vessel to employ in the said fishery [*or as the case may be*] not more than native labourers from the day of 18 to the day of 18 .

Should this vessel be found to answer the subjoined description, and appear to be strictly engaged in the lawful pursuit of the above-mentioned object, it is the direction of Her Majesty's Government that she shall not be obstructed in the prosecution of her present voyage, nor in the shipment, employment, or landing of her native hands.

This license shall not be transferable, and shall be available only for the period aforesaid.

DESCRIPTION of the Vessel above referred to.

Tons (registered tonnage) - - -
Rig (i.e., ship, barque, brig, &c.) - -
How painted - - - - -
Name painted on stern - - -
Whether any poop - - - -
Whether any quarter galleries - - -
Whether a top-gallant forecastle - -
Name of chief officer - - - -
Number of officers and crew, including surgeon if any - - - - -

Bound from to , and intending to call at and .

Given under my hand and seal at this day of 18 .

Governor *or* Consul,
[*as the case may be*].
(L.S.)

To the respective flag officers, captains, and commanding officers of Her Majesty's ships, and to all others whom it may concern.

CHAPTER 52.

An Act to provide for the completion of the distribution of the sums of money paid to Her Majesty by the United States of America on account of Awards made by the Commissioners acting under a certain Treaty between Her Majesty and the United States of America. [2d August 1875.]

WHEREAS a treaty between Her Majesty and the United States of America was signed at Washington on the eighth day of May one thousand eight hundred and seventy-one, and was duly ratified on the seventeenth day of June of that year:

And whereas it was provided by that treaty (in this Act referred to as the Washington Treaty of 1871), among other things, that certain claims therein mentioned on the part of British subjects upon the Government of the United States should be referred to three Commissioners to be appointed as therein mentioned, and that all sums which might be awarded by those Commissioners on account of any such claim should be paid by the Government of the United States to Her Majesty's Government as therein mentioned:

And whereas the Commissioners were appointed and met and proceeded in manner provided by the treaty, and awarded certain sums of money on account of divers claims made by British subjects in pursuance of the treaty, and those sums have been paid by the Government of the United States to Her Majesty's Government:

And whereas the larger portion of the sums so paid has been distributed among the persons entitled thereto:

And whereas the sums awarded in respect of certain claims and more particularly specified in the schedule to this Act, have not been distributed by reason of disputes having arisen respecting the persons to whom such sums should be distributed; and such sums are now in the hands of the Commissioners of Her Majesty's Treasury (in this Act referred to as the Treasury):

And whereas it is expedient to make the provision hereinafter appearing for the distribution of the said sums and for the release of the Treasury from all responsibility in respect thereof:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; that is to say,

Power to Treasury to [illegible]

1. The Treasury may cause the sums mentioned in the last column of the schedule to this Act and all other sums which

after the passing of this Act may be in or come to their hands on account of any award made by the Commissioners acting under the Washington Treaty of 1871 to be paid into the High Court of Chancery of England in like manner as if they were trustees of such sums for persons entitled thereto, and the Court of Chancery may make such orders for the distribution of those sums to or among those persons as may to the court seem just, and the provisions of the Act of the session of the tenth and eleventh years of the reign of Her present Majesty, chapter ninety-six, intituled "An Act for better securing trust "funds, and the relief of trustees," shall, so far as applicable, apply to all sums paid into the Court of Chancery in pursuance of this section as if they were moneys belonging to a trust within the meaning of that Act.

Balance of claims under Washington Treaty into Court of Chancery.

The affidavit to be filed on the payment of the said sums into Court may be made on behalf of the Treasury by a secretary of or the solicitor to the Treasury, or such other person as the Treasury may appoint.

2. The Treasury upon payment of the said sums into the Court of Chancery in pursuance of this Act shall be freed from all liability whatsoever in respect of such sums, or of any award made by the Commissioners acting under the Washington Treaty of 1871 on account of which any of such sums was paid.

Discharge of Treasury.

3. This Act may be cited as the Washington Treaty (Claims) Act, 1875.

Short title.

SCHEDULE.

SUMS UNDISTRIBUTED.

No. of Claim.	Name.	Original Award.	Amount payable after 5 per cent. deduction as per Treaty.	Equivalent in sterling remitted to the Treasury.		
		dollars.		£	s.	d.
81	P. Eagin, administrator -	2,334	2,217·30	458	2	5
213	L. Phillips - -	750	*118·75	24	10	9
291	A. Grayson, administratrix	1,637	1,555·15	321	6	3
297	H. Baer, administrator -	1,854	1,761·30	363	18	1
328	W. G. Ford, administrator	29,638	28,156·10	5,817	7	6
398	Miller and Mossman -	24,300	23,085·	4,740	4	11
399	E. McLeod, assignee, &c.	1,069	1,015·55	208	10	8

* This amount is the fee retained for J. C. Bennet, attorney. The rest of the award has been paid.

CHAPTER 53.

An Act to give effect to an Act of the Parliament of the Dominion of Canada respecting Copyright.

[2d August 1875.]

WHEREAS by an Order of Her Majesty in Council, dated the 7th day of July 1868, it was ordered that all prohibitions contained in Acts of the Imperial Parliament against the importing into the Province of Canada, or against the selling, letting out to hire, exposing for sale or hire, or possessing therein foreign reprints of books first composed, written, printed, or published in the United Kingdom, and entitled to copyright therein, should be suspended so far as regarded Canada:

And whereas the Senate and House of Commons of Canada did, in the second session of the third Parliament of the Dominion of Canada, held in the thirty-eighth year of Her Majesty's reign, pass a Bill intituled "An Act respecting Copyrights," which Bill has been reserved by the Governor-General for the signification of Her Majesty's pleasure thereon:

And whereas by the said reserved Bill provision is made, subject to such conditions as in the said Bill are mentioned, for securing in Canada the rights of authors in respect of matters of copyright, and for prohibiting the importation into Canada of any work for which copyright under the said reserved Bill has been secured; and whereas doubts have arisen whether the said reserved Bill may not be repugnant to the said Order in Council, and it is expedient to remove such doubts and to confirm the said Bill:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title of Act

1. This Act may be cited for all purposes as The Canada Copyright Act, 1875.

Definition of terms

2. In the construction of this Act the words "book" and "copyright" shall have respectively the same meaning as in the Act of the fifth and sixth years of Her Majesty's reign, chapter forty-five, intituled "An Act to amend the Law of "Copyright."

Her Majesty may assent to the Bill in schedule

3. It shall be lawful for Her Majesty in Council to assent to the said reserved Bill, as contained in the schedule to this Act annexed, and if Her Majesty shall be pleased to signify Her assent thereto, the said Bill shall come into operation at such time and in such manner as Her Majesty may by Order in Council direct; anything in the Act of the twenty-eighth and twenty-ninth years of the reign of Her Majesty, chapter ninety-three, or in any other Act to the contrary notwithstanding.

4. Where any book in which, at the time when the said reserved Bill comes into operation, there is copyright in the United Kingdom, or any book in which thereafter there shall be such copyright, becomes entitled to copyright in Canada in pursuance of the provisions of the said reserved Bill, it shall be unlawful for any person, not being the owner, in the United Kingdom, of the copyright in such book, or some person authorised by him, to import into the United Kingdom any copies of such book reprinted or republished in Canada; and for the purposes of such importation the seventeenth section of the said Act of the fifth and sixth years of the reign of Her Majesty, chapter forty-five, shall apply to all such books in the same manner as if they had been reprinted out of the British dominions.

Colonial reprints not to be imported into United Kingdom.

5. The said Order in Council, dated the seventh day of July one thousand eight hundred and sixty-eight, shall continue in force so far as relates to books which are not entitled to copyright for the time being, in pursuance of the said reserved Bill.

Order in Council of 7th July 1868 to continue in force subject to this Act.

SCHEDULE.

An Act respecting Copyrights.

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

1. The Minister of Agriculture shall cause to be kept in his office books to be called the "Registers of Copyrights," in which proprietors of literary, scientific, and artistic works or compositions may have the same registered in accordance with the provisions of this Act.

2. The Minister of Agriculture may, from time to time, subject to the approval of the Governor in Council, make such rules and regulations and prescribe such forms as may appear to him necessary and expedient for the purposes of this Act; such regulations and forms, being circulated in print for the use of the public, shall be deemed to be correct for the purposes of this Act, and all documents executed and accepted by the said Minister of Agriculture shall be held valid so far as relates to all official proceedings under this Act.

3. If any person prints or publishes, or causes to be printed or published, any manuscript whatever, the said manuscript having not yet been printed in Canada or elsewhere, without the consent of the author or legal proprietor first obtained, such person shall be liable to the author or proprietor for all damages occasioned by such publication, to be recovered in any court of competent jurisdiction.

4. Any person domiciled in Canada, or in any part of the British Possessions, or being a citizen of any country having an international copyright treaty with the United Kingdom, who is the author of any book, map, chart, or musical composition, or of any original painting, drawing, statue, sculpture, or photograph, or who invents, designs, etches, engraves, or causes to be engraved, etched, or made from his own design, any print or engraving, and the legal representatives of such person, shall have the sole right and liberty of printing, reprinting, publishing, reproducing, and vending such literary, scientific,

or artistic works or compositions, in whole or in part, and of allowing translations to be printed or reprinted and sold, of such literary works from one language into other languages, for the term of twenty-eight years from the time of recording the copyright thereof in the manner herein-after directed;

(2.) The condition for obtaining such copyright shall be that the said literary, scientific, or artistic works be printed and published, or reprinted or republished in Canada, or in the case of works of art that it be produced or reproduced in Canada, whether they be so published or produced for the first time or contemporaneously with or subsequently to publication or production elsewhere: provided that in no case the exclusive privilege in Canada shall continue to exist after it has expired anywhere else.

(3.) No immoral, or licentious, or irreligious, or treasonable, or seditious literary, scientific, or artistic work shall be the legitimate subject of such registration or copyright.

5. If at the expiration of the aforesaid term of twenty-eight years, such author, or any of the authors when the work has been originally composed and made by more than one person, be still living, or being dead has left a widow or a child or children living, the same exclusive right shall be continued to such author, or, if dead, then to such widow and child or children (as the case may be) for the further term of fourteen years; but in such case within one year after the expiration of the first term the title of the work secured shall be a second time recorded, and all other regulations herein required to be observed in regard to original copyrights shall be complied with in respect to such renewed copyright.

6. In all cases of renewal of copyright under this Act the author or proprietor shall, within two months from the date of such renewal, cause a copy of the record thereof to be published once in the "Canada Gazette."

7. No person shall be entitled to the benefit of this Act unless he has deposited in the office of the Minister of Agriculture two copies of such book, map, chart, musical composition, photograph, print, cut, or engraving, and in case of paintings, drawings, statuary, and sculpture, unless he has furnished a written description of such works of art, and the Minister of Agriculture shall cause the copyright of the same to be recorded forthwith in a book to be kept for that purpose, in the manner adopted by the Minister of Agriculture, or prescribed by the rules and forms which may be made from time to time as herein-before provided.

8. The Minister of Agriculture shall cause one of the two copies of such book, map, chart, musical composition, photograph, print, cut, or engraving aforesaid, to be deposited in the Library of the Parliament of Canada.

9. No person shall be entitled to the benefit of this Act, unless he gives information of the copyright being secured, by causing to be inserted in the several copies of every edition published during the term secured, on the title page, or the page immediately following, if it be a book, or if a map, chart, musical composition, print, cut, engraving, or photograph, by causing to be impressed on the face thereof, or if a volume of maps, charts, music, engravings, or photographs, upon the title page or frontispiece thereof, the following words, that is to say: "Entered according to Act of Parliament of "Canada, in the year , by A.B.,

"in the office of the Minister of Agriculture." But as regards paintings, drawings, statuary, and sculptures, the signature of the artist shall be deemed a sufficient notice of such proprietorship.

10. Pending the publication or republication in Canada of a literary, scientific, or artistic work, the author, or his legal representatives or assigns, may obtain an interim copyright by depositing in the office of the Minister of Agriculture a copy of the title, or a designation of such work intended for publication or republication in Canada, the said title or designation to be registered in an interim copyright register in the said office, to secure to the author aforesaid, or his legal representatives or assigns the exclusive rights recognised by this Act, previous to publication or republication in Canada; the said interim registration, however, not to endure for more than one month from the date of the original publication elsewhere, within which period the work shall be printed or reprinted and published in Canada.

(2.) In all cases of interim registration under this Act, the author or proprietor shall cause notice of such registration to be inserted once in the "Canada Gazette."

(3.) A literary work intended to be published in pamphlet or book form, but which is first published in separate articles in a newspaper or periodical, may be the subject of registration within the meaning of this Act while it is so preliminarily published, provided that the title of the manuscript and a short analysis of the work are deposited in the office of the Minister of Agriculture, and that every separate article so published is preceded by the words "Registered in accordance with the Copyright Act of 1875;" but the work when published in book or pamphlet form shall be subject, besides, to the other requirements of this Act.

(4.) The importation of newspapers and magazines published in foreign countries, and containing, together with foreign original matter, portions of British copyright works republished with the consent of the author or his assigns or under the law of the country where such copyright exists, shall not be prohibited.

11. If any other person after the interim registration of the title of any book according to this Act within the term herein limited, or after the copyright is secured, and for the term or terms of its duration, prints, publishes, or reprints or republishes, or imports, or causes to be so printed, published, or imported, any copy or any translation of such book without the consent of the person legally entitled to the copyright thereof first had and obtained by assignment, or knowing the same to be so printed or imported publishes, sells, or exposes for sale, or causes to be published, sold, or exposed for sale, any copy of such book without such consent, such offender shall forfeit every copy of such book to the person then legally entitled to the copyright thereof; and shall forfeit and pay for every such copy which may be found in his possession, either printed or printing, published, imported, or exposed for sale, contrary to the intent of this Act, such sum not being less than ten cents nor more than one dollar as the court shall determine; of which penalty one moiety shall be to the use of Her Majesty, and the other to the legal owner of such copyright, and such penalty may be recovered in any court of competent jurisdiction.

12. If any person after the recording of any painting, drawing, statue, or other work of art within the term or terms limited by this Act, reproduces in any manner, or causes to be reproduced, made, or sold, in whole or in part, copies of the said works of art without the consent of the proprietor or proprietors, such offender or offenders shall forfeit the plate or plates on which such reproduction has been made, and also every sheet thereof so copied, printed, or photographed, to the proprietor or proprietors of the copyright thereof, and shall further forfeit for every sheet of the same reproduction so published or exposed for sale, contrary to the true intent and meaning of this Act, such sum, not being less than ten cents nor more than one dollar, as the court shall determine; and one moiety of such forfeiture shall go to the proprietor or proprietors, and the other moiety to the use of Her Majesty, and such forfeiture may be recovered in any court of competent jurisdiction.

13. If any person, after the recording of any print, cut, or engraving, map, chart, musical composition, or photograph, according to the provisions of this Act, within the term or terms limited by this Act, engraves, etches, or works, sells or copies, or causes to be engraved, etched, or copied, made or sold, either in the whole or by varying, adding to, or diminishing the main design with intent to evade the law, or prints, or reprints, or imports for sale, or causes to be so printed or imported for sale, any such map, chart, musical composition, print, cut, or engraving, or any part thereof, without the consent of the proprietor or proprietors of the copyright thereof first obtained as aforesaid, or knowing the same to be so printed or imported without such consent, publishes, sells, or exposes for sale, or in any manner disposes of any such map, chart, musical composition, engraving, cut, photograph, or print without such consent as aforesaid, such offender or offenders, shall forfeit the plate or plates on which such map, chart, musical composition, engraving, cut, photograph, or print has been copied, and also every sheet thereof so copied or printed as aforesaid, to the proprietor or proprietors of the copyright thereof, and shall further forfeit for every sheet of such map, musical composition, print, cut, or engraving which may be found in his or their possession, printed or published or exposed for sale contrary to the true intent and meaning of this Act, such sum not being less than ten cents nor more than one dollar as the court shall determine; and one moiety of such forfeiture shall go to the proprietor or proprietors, and the other moiety to the use of Her Majesty, and such forfeiture may be recovered in any court of competent jurisdiction.

14. Nothing herein contained shall prejudice the right of any person to represent any scene or object, notwithstanding that there may be copyright in some other representation of such scene or object.

15. Works of which the copyright has been granted and is subsisting in the United Kingdom, and copyright of which is not secured or subsisting in Canada under any Canadian or Provincial Act, shall, upon being printed and published or reprinted and republished in Canada, be entitled to copyright under this Act; but nothing in this Act shall be held to prohibit the importation from the United Kingdom of copies of such works legally printed there.

(2.) In the case of the reprinting of any such copyright work subsequent to its publication in the United Kingdom, any person who may have previous to the date of entry of such work upon the registers of copyright imported any foreign re-

prints, shall have the privilege of disposing of such reprints by sale or otherwise; the burden of proof, however, in such a case will lie with such person to establish the extent and regularity of the transaction.

16. Whenever the author of a literary, scientific, or artistic work or composition which may be the subject of copyright has executed the same for another person or has sold the same to another person for due consideration, such author shall not be entitled to obtain or to retain the proprietorship of such copyright, which is by the said transaction virtually transferred to the purchaser who may avail himself of such privilege, unless a reserve of the said privilege is specially made by the author or artist in a deed duly executed.

17. If any person, not having legally acquired the copyright of a literary, scientific, or artistic work, inserts in any copy thereof printed, produced, reproduced, or imported, or impresses on any such copy that the same hath been entered according to this Act, or words purporting to assert the existence of a Canadian Copyright in relation thereto, every person so offending shall incur a penalty not exceeding three hundred dollars (one moiety whereof shall be paid to the person who sues for the same, and the other moiety to the use of Her Majesty), to be recovered in any court of competent jurisdiction.

(2.) If any person causes any work to be inserted in the Register of Interim Copyright and fails to print and publish or reprint and republish the same within the time prescribed, he shall incur a penalty not exceeding one hundred dollars (one moiety whereof shall be paid to the person who sueth for the same, and the other moiety to the use of Her Majesty), to be recovered in any court of competent jurisdiction.

18. The right of an author of a literary, scientific, or artistic work to obtain a copyright, and the copyright when obtained shall be assignable in law, either as to the whole interest or any part thereof, by an instrument in writing made in duplicate, and to be recorded in the office of the Minister of Agriculture, on production of both duplicates and payment of the fee herein-after provided. One of the duplicates shall be retained in the office of the Minister of Agriculture, and the other returned, with the certificate of registration, to the party depositing it.

19. In case of any person making application to register as his own the copyright of a literary, scientific, or artistic work already registered in another person's name, or in case of simultaneous conflicting applications, or of an application made by any person other than the person entered as proprietor of a registered copyright, to cancel the said copyright, the party so applying shall be notified that the question is to be settled before a court of competent jurisdiction, and no further proceedings shall be had concerning the subject before a judgment is produced, maintaining, cancelling, or otherwise settling the matter; and this registration, or cancellation, or adjustment of the said right shall then be made by the Minister of Agriculture in accordance with such decision.

20. Clerical errors happening in the framing or copying of any instrument drawn in the office of the Minister of Agriculture shall not be construed as invalidating the same, but when discovered they may be corrected under the authority of the Minister of Agriculture.

21. All copies or extracts certified from the officer of the Minister of Agriculture shall be received in evidence without further proof, and without production of the originals.

22. Should a work copyrighted in Canada become out of print, a complaint may be lodged by any person with the Minister of Agriculture, who, on the fact being ascertained to his satisfaction, shall notify the copyright owner of the complaint and of the fact; and if, within a reasonable time, no remedy is applied by such owner, the Minister of Agriculture may grant a license to any person to publish a new edition or to import the work, specifying the number of copies, and the royalty to be paid on each to the copyright owner.

23. The application for the registration of an interim copyright, of a temporary copyright, and of a copyright may be made in the name of the author or of his legal representative by any person purporting to be the agent of the said author, and any fraudulent assumption of such authority shall be a misdemeanor, and shall be punished by fine and imprisonment accordingly; and any damage caused by a fraudulent or an erroneous assumption of such authority shall be recoverable before any court of competent jurisdiction.

24. If any person shall wilfully make or cause to be made any false entry in the registry books of the Minister of Agriculture, or shall wilfully produce or cause to be tendered in evidence any paper falsely purporting to be a copy of an entry in the said books, he shall be guilty of a misdemeanor, and shall be punished accordingly.

25. If a book be published anonymously it shall be sufficient to enter it in the name of the first publisher thereof, either on behalf of the unnamed author or on behalf of such first publisher, as the case may be.

26. It shall not be requisite to deliver any printed copy of the second or of any subsequent edition of any book or books unless the same shall contain very important alterations or additions.

27. No act or prosecution for the recovery of any penalty under this Act shall be commenced more than two years after the cause of action arose.

The following fees shall be payable to the Minister of Agriculture before an application for any of the purposes herein-after mentioned shall be entertained; that is to say,

	Dol.	c.
On registering a copyright - - - -	1	00
On registering an interim copyright - - -	0	50
On registering a temporary copyright - - -	0	50
On recording an assignment - - - -	1	00
On certified copy of registration - - - -	0	50
On registering any decision of a court of justice, for every folio - - - - - - -	0	50

On office copies of documents not above mentioned, the following charges shall be made:

	Dol.	c.
For every single or first folio certified copy - -	0	50
For every subsequent one hundred words (fractions from and under fifty being not counted, and over fifty being counted for one hundred) - - - -	0	25

(2.) The said fees shall be in full of all services performed under this Act by the Minister of Agriculture, or by any person employed by him in pursuance of this Act.

(3.) All fees received under this Act shall be paid over to the Receiver General and form part of the Consolidated Revenue Fund of Canada. No fees shall be made the subject of

exemption in favour of any person, and no fee exacted by this Act, once paid, shall be returned to the person who paid it.

28. "The Copyright Act of 1868," being the Act thirty-first Victoria, chapter fifty-four, and all other Acts or parts of Acts inconsistent with the provisions of this Act, are hereby repealed, subject to the provisions of the next following section.

29. All copyrights heretofore acquired under the Acts or parts of Acts repealed shall, in respect of the unexpired terms thereof, continue unimpaired, and shall have the same force and effect as regards the province or provinces to which they now extend, and shall be assignable and renewable, and all penalties and forfeitures incurred and to be incurred under the same may be sued for and enforced, and all prosecutions commenced before the passing of this Act for any such penalties or forfeitures already incurred may be continued and completed as if such Acts were not repealed.

30. In citing this Act it shall be sufficient to call it "The Copyright Act of 1875."

CHAPTER 54.

An Act to amend the Qualification required by Persons acting as Justices of the Peace.

[2d August 1875.]

WHEREAS an Act was passed in the eighteenth year of His late Majesty King George the Second, intituled "An Act to amend and render more effectual an Act passed "in the fifth year of His present Majesty's reign, intituled "'An Act for the further Qualification of Justices of the "'Peace,'" and it is expedient to amend the same:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Qualification for a justice of the peace.

1. Notwithstanding the said Act or anything therein contained, every person of full age and who has during the two years immediately preceding his appointment been the occupier of a dwelling-house assessed to the inhabited house duty at the value of not less than one hundred pounds within any county, riding, or division, in England or Wales, and shall during that time have been rated to all rates and taxes in respect of the said premises, and who is otherwise eligible, shall be deemed to be qualified to be appointed a justice of the peace for such county, riding, or division.

Provided always, that no justice appointed in respect of the qualification in this section mentioned shall continue to act as a justice of the peace for any county, riding, or division after he shall have ceased for twelve calendar months to have within such county, riding, or division such qualification.

As to enactments respecting qualification.

2. The enactments concerning the description of property qualification and other provisions and penalties having reference to the qualifications now required by law shall be applicable with reference to the qualifications required by this Act.

CHAPTER 55.

An Act for consolidating and amending the Acts relating to Public Health in England.

[11th August 1875.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

PART I.

Preliminary.

Short title.

1. This Act may be cited as The Public Health Act, 1875.

Extent of Act.

2. This Act shall not extend to Scotland or Ireland, nor (save as by this Act is expressly provided) to the metropolis.

Division of Act into parts.

3. This Act is divided into parts, as follows:

Part I.—Preliminary.
Part II.—Authorities for Execution of Act.
Part III.—Sanitary Provisions.
Part IV.—Local Government Provisions.
Part V.—General Provisions.
Part VI.—Rating and Borrowing Powers, &c.
Part VII.—Legal Proceedings.
Part VIII.—Alteration of Areas and Union of Districts.
Part IX.—Local Government Board.
Part X.—Miscellaneous and Temporary Provisions.
Part XI.—Saving Clauses and Repeal of Acts.

Definitions.

4. In this Act, if not inconsistent with the context, the following words and expressions have the meanings hereinafter respectively assigned to them; that is to say,

"Borough" means any place for the time being subject to the Act of the session of the fifth and sixth years of the reign of King William the Fourth, chapter seventy-six, intituled "An Act to provide for the Regulation "of Municipal Corporations in England and Wales," and any Act amending the same:

"The metropolis" means the city of London and all parishes and places mentioned in schedules A, B, and C to the Metropolis Management Act, 1855:

"Local Government District" means any area subject to the jurisdiction of a local board constituted in pursu-

ance of the Local Government Acts before the passing of this Act, or in pursuance of this Act, and "local board" means any board so constituted:

"Improvement Act district" means any area for the time being subject to the jurisdiction of any improvement commissioners as herein-after defined:

"Improvement Commissioners" means any commissioners trustees or other persons invested by any local Act with powers of town government and rating:

"Parish" means a place for which a separate poor rate is or can be made, or for which a separate overseer is or can be appointed:

"Union" means a union of parishes incorporated or united for the relief or maintenance of the poor under any public or local Act of Parliament, and includes any parish subject to the jurisdiction of a separate board of guardians:

"Guardians" means any persons or body of persons by whom the relief of the poor is administered in any union:

"Person" includes any body of persons, whether corporate or unincorporate:

"Local authority" means urban sanitary authority and rural sanitary authority:

"Surveyor" includes any person appointed by a rural authority to perform any of the duties of surveyor under this Act:

"Lands" and "Premises" include messuages buildings lands easements and hereditaments of any tenure:

"Owner" means the person for the time being receiving the rackrent of the lands or premises in connexion with which the word is used, whether on his own account or as agent or trustee for any other person, or who would so receive the same if such lands or premises were let at a rackrent:

"Rackrent" means rent which is not less than two thirds of the full net annual value of the property out of which the rent arises; and the full net annual value shall be taken to be the rent at which the property might reasonably be expected to let from year to year, free from all usual tenant's rates and taxes, and tithe commutation rentcharge (if any), and deducting therefrom the probable average annual cost of the repairs, insurance, and other expenses (if any) necessary to maintain the same in a state to command such rent:

"Street" includes any highway (not being a turnpike road), and any public bridge (not being a county bridge), and any road lane footway square court alley or passage whether a thoroughfare or not:

"House" includes schools, also factories and other buildings in which more than twenty persons are employed at one time:

"Drain" means any drain of and used for the drainage of one building only, or premises within the same curtilage, and made merely for the purpose of communicating therefrom with a cesspool or other like receptacle for drainage, or with a sewer into which the drainage of two or more buildings or premises occupied by different persons is conveyed:

"Sewer" includes sewers and drains of every description, except drains to which the word "drain" interpreted as aforesaid applies, and except drains vested in or under the control of any authority having the management of roads and not being a local authority under this Act:

"Slaughter-house" includes the buildings and places commonly called slaughter-houses and knackers yards, and any building or place used for slaughtering cattle horses or animals of any description for sale:

"Water company" means any person or body of persons corporate or unincorporate supplying or who may hereafter supply water for his or their own profit:

"Waterworks" includes streams springs wells pumps reservoirs cisterns tanks aqueducts cuts sluices mains pipes culverts engines and all machinery lands buildings and things for supplying or used for supplying water, also the stock in trade of any water company:

"Bakehouse Regulation Act" means 26 & 27 Vict. c. 40. (Bakehouse Regulation Act, 1863):

"Artizans and Labourers Dwellings Act" means 31 & 32 Vict. c. 130. (Artizans and Labourers Dwellings Act, 1868):

"Baths and Wash-houses Acts" means 9 & 10 Vict. c. 74. (An Act to encourage the establishment of Public Baths and Wash-houses); 10 & 11 Vict. c. 61. (An Act to amend the Act for the establishment of Public Baths and Wash-houses):

"Labouring Classes Lodging Houses Acts" means 14 & 15 Vict. c. 34. (Labouring Classes Lodging Houses Act, 1851); 29 & 30 Vict. c. 28. (Labouring Classes Dwelling Houses Act, 1866); 30 & 31 Vict. c. 28. (Labouring Classes Dwelling Houses Act, 1867):

"Sanitary Acts" means all the above-mentioned Acts and the Acts mentioned in part I. of schedule V. to this Act:

"Sanitary purposes" means any object or purposes of the Sanitary Acts:

"Court of quarter sessions" means the court of general or quarter sessions of the peace having jurisdiction over the whole or any part of the district or place in which

the matter requiring the cognizance of general or quarter sessions arises:

"Court of summary jurisdiction" means any justice or justices of the peace, stipendiary or other magistrate or officer, by whatever name called, to whom jurisdiction is given by the Summary Jurisdiction Acts or any Acts therein referred to:

"Summary Jurisdiction Acts" means the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled "An Act "to facilitate the performance of the duties of justices "of the peace out of sessions within England and "Wales with respect to summary convictions and "orders," and any Act amending the same.

PART II.

AUTHORITIES FOR EXECUTION OF ACT.

CONSTITUTION OF DISTRICTS AND AUTHORITIES.

Urban and rural sanitary districts.

5. For the purposes of this Act England, except the Metropolis, shall consist of districts to be called respectively—

(1.) Urban sanitary districts, and

(2.) Rural sanitary districts,

(in this Act referred to as urban and rural districts); and such urban and rural districts shall respectively be subject to the jurisdiction of local authorities, called urban sanitary authorities and rural sanitary authorities (in this Act referred to as urban and rural authorities), invested with the powers in this Act mentioned.

Description of urban districts and urban authorities.

6. Urban districts shall consist of the places in that behalf mentioned in the first column of the table in this section contained, and urban authorities shall be the several bodies of persons specified in the second column of the said table in relation to the said places respectively.

Urban district.	Urban authority.
Borough constituted such either before or after the passing of this Act.	The Mayor, Aldermen, and Burgesses acting by the Council.
Improvement Act district constituted such before the passing of this Act, and having no part of its area situated within a borough or local government district.	The Improvement Commissioners.
Local government district constituted such either before or after the passing of this Act, having no part of its area situated within a borough, and not coincident in area with a borough or Improvement Act district.	The Local Board.

Provided that—

(1.) Any borough, the whole of which is included in and forms part of a Local Government district or Improvement Act district, and any Improvement Act district which is included in and forms part of a Local Government district, and any Local Government district which is included in and forms part of an Improvement Act district, shall for the purposes of this Act be deemed to be absorbed in the larger district in which it is included, or of which it forms part; and the improvement commissioners or local board, as the case may be, of such larger district shall be the urban authority therein; and

(2.) Where an Improvement Act district is coincident in area with a Local Government district, the improvement commissioners, and not a local board, shall be the urban authority therein; and

(3.) Where any part of an Improvement Act district is situated within a borough or Local Government district, or where any part of a Local Government district is situated within a borough, the remaining part of such Improvement Act district or of such Local Government district so partly situated within a borough shall for the purposes of this Act continue subject to the like jurisdiction as it would have been subject to if this Act had not been passed, unless and until the Local Government Board by provisional order otherwise directs.

For the purposes of this Act, the boroughs of Oxford, Cambridge, Blandford, Calne, Wenlock, Folkestone, and Newport Isle of Wight, shall not be deemed to be boroughs, and the borough of Cambridge shall be deemed to be an Improvement Act district, and the borough of Oxford to be included in the Local Government district of Oxford. So much of the borough of Folkestone as is not included within the Local Government district of Sandgate shall be an urban district, and shall be under the jurisdiction, for the purposes of this Act, of the authority for executing "The Folkestone Improvement Act, 1855."

Incorporation of local boards and improvement commissioners

7. Every local board, and any improvement commissioners being an urban authority and not otherwise incorporated, shall continue to be or be a body corporate, designated (in the case of local boards and improvement commissioners being urban sanitary authorities at the time of the passing of this Act) by such name as they then bear, and (in the case of local boards constituted after the passing of this Act) by such name as they may with the sanction of the Local Government Board adopt; with a perpetual succession and a common seal, and with power to sue and be sued in such name, and to hold lands without any license in mortmain for the purposes of this Act.

8. The members of local boards shall be elective; and the number and qualification of members of local boards, the qualification of electors, the mode and expenses of election, and the proceedings incident thereto, the retirement and disqualification of members, the proceedings in case of lapse of a local board, and all other matters relating to the election of members of local boards, shall be governed by the rules contained in schedule II. to this Act. — 471

Election of local boards.

9. The area of any union which is not coincident in area with an urban district, nor wholly included in an urban district (in this section called a rural union), with the exception of those portions (if any) of the area which are included in any urban district, shall be a rural district, and the guardians of the union shall form the rural authority of such district: Provided that—

Description of rural districts and rural authorities.

(1.) An ex-officio guardian resident in any parish or part of a parish belonging to such union, which parish or part of a parish forms or is situated in an urban district, shall not act or vote in any case in which guardians of such union act or vote as members of the rural authority, unless he is the owner or occupier of property situated in the rural district of a value sufficient to qualify him as an elective guardian for the union:

(2.) An elective guardian of any parish belonging to such union, and forming or being wholly included within an urban district, shall not act or vote in any case in which guardians of such union act or vote as members of the rural authority:

(3.) Where part of a parish belonging to a rural union forms or is situated in an urban district, the Local Government Board may by order divide such parish into separate wards, and determine the number of guardians to be elected by such wards respectively, in such manner as to provide for the due representation of the part of the parish situated within the rural district; but until such order has been made the guardian or guardians of such parish may act and vote as members of the rural authority in the same manner as if no part of such parish formed part of or was situated in an urban district.

Where the number of elective guardians who are not by this section disqualified from acting and voting as members of the rural authority is less than five, the Local Government Board may from time to time by order nominate such number of persons as may be necessary to make up that number from owners or occupiers of property situated in the rural district of a value sufficient to qualify them as elective guardians for the union, and the persons so nominated shall be entitled to

act and vote as members of the rural authority but not further or otherwise.

Subject to the provisions of this Act, all statutes orders and legal provisions applicable to any board of guardians shall apply to them in their capacity of rural authority under this Act for purposes of this Act; and it is hereby declared that the rural authority are the same body as the guardians of the union or parish for or within which such authority act.

Powers and duties of urban authorities.

10. In addition to the powers rights duties capacities liabilities and obligations exerciseable by or attaching to an urban authority under this Act, every urban authority shall within their district (to the exclusion of any other authority which may have previously exercised or been subject to the same) have exercise and be subject to all the powers rights duties capacities liabilities and obligations within such district exerciseable or attaching by and to the local authority under the Bakehouse Regulation Act, and the Artizans and Labourers Dwellings Act, or any Acts amending the same.

Where the Baths and Wash-houses Acts and the Labouring Classes Lodging Houses Acts, or any of them, are in force within the district of any urban authority, such authority shall have all powers rights duties capacities liabilities and obligations in relation to such Acts exerciseable by or attaching to the council incorporated commissioners local board improvement commissioners and other commissioners or persons acting in the execution of the said Acts or any of them.

Where the Baths and Wash-houses Acts are not in force within the district of any urban authority, such authority may adopt such Acts; and where the Labouring Classes Lodging Houses Acts are not in force within the district of any urban authority, such authority may adopt such Acts.

Where any local Act other than an Act for the conservancy of any river is in force within the district of an urban authority, conferring on any commissioners trustees or other persons powers for purposes the same as or similar to those of this Act (but not for their own pecuniary benefit), all the powers rights duties capacities liabilities and obligations of such commissioners trustees or other persons in relation to such purposes shall be transferred and attach to the said urban authority.

11. In addition to the powers rights duties capacities liabilities and obligations exerciseable by or attaching to a rural authority under this Act, every rural authority shall, within their district, (to the exclusion of any other authority which may have previously exercised or been subject to the same) have exercise and be subject to all the powers rights duties capacities liabilities and obligations within such district exerciseable by or attaching to the local authority under the Bakehouse Regulation Act, or any Acts amending the same.

12. From and after the passing of this Act all such property real and personal, including all interests rights and easements in to and out of property real and personal (including things in action), as belongs to or is vested in, or would but for this Act have belonged to or been vested in the council of any borough, or any improvement commissioners or local board as the urban sanitary authority of any district under the Sanitary Acts, or any board of guardians as the rural sanitary authority of any district under those Acts, shall continue vested or vest in such council, improvement commissioners, or local board, or board of guardians as the local authority of their district under this Act, subject to all debts liabilities and obligations affecting the same property. **Vesting of property in local authorities.**

All debts liabilities and obligations incurred by any authority whose powers rights duties liabilities capacities and obligations are under this Act exerciseable by or attached to a local authority may be enforced against the local authority to the same extent and in the same manner as they might have been enforced against the authority which incurred the same.

PART III.

SANITARY PROVISIONS.

SEWERAGE AND DRAINAGE.

Regulations as to Sewers and Drains.

13. All existing and future sewers within the district of a local authority, together with all buildings works materials and things belonging thereto, **Sewers vested in local authority.**

Except

(1.) Sewers made by any person for his own profit, or by any company for the profit of the shareholders; and

(2.) Sewers made and used for the purpose of draining preserving or improving land under any local or private Act of Parliament, or for the purpose of irrigating land; and

(3.) Sewers under the authority of any commissioners of sewers appointed by the Crown,

shall vest in and be under the control of such local authority.

Provided that sewers within the district of a local authority which have been or which may hereafter be constructed by or transferred to some other local authority or by or to a sewage board or other authority empowered under any Act of Parliament to construct sewers shall (subject to any agreement to the contrary) vest in and be under the control of the authority who constructed the same or to whom the same have been transferred.

Power to purchase sewers.

14. Any local authority may purchase or otherwise acquire from any person any sewer, or any right of making or of user or other right in or respecting a sewer (with or without any buildings works materials or things belonging thereto), within their district, and any person may sell or grant to such authority any such sewer right or property belonging to him; and any purchase money paid by such authority in pursuance of this section shall be subject to the same trusts (if any) as the sewer right or property sold was subject to.

But any person who, previously to the purchase of a sewer by such authority, has acquired a right to use such sewer shall be entitled to use the same, or any sewer substituted in lieu thereof, to the same extent as he would or might have done if the purchase had not been made.

Maintenance and making of sewers.

15. Every local authority shall keep in repair all sewers belonging to them, and shall cause to be made such sewers as may be necessary for effectually draining their district for the purposes of this Act.

Powers for making sewers.

16. Any local authority may carry any sewer through across or under any turnpike road, or any street or place laid out as or intended for a street, or under any cellar or vault which may be under the pavement or carriageway of any street, and, after giving reasonable notice in writing to the owner or occupier (if on the report of the surveyor it appears necessary), into through or under any lands whatsoever within their district.

They may also (subject to the provisions of this Act relating to sewage works without the district of the local authority) exercise all or any of the powers given by this section without their district for the purpose of outfall or distribution of sewage.

Sewage to be purified before being discharged into streams.

17. Nothing in this Act shall authorise any local authority to make or use any sewer drain or outfall for the purpose of conveying sewage or filthy water into any natural stream or watercourse, or into any canal pond or lake until such sewage or filthy water is freed from all excrementitious or other foul or noxious matter such as would affect or deteriorate the purity and quality of the water in such stream or watercourse or in such canal pond or lake.

Alteration and discontinuance of sewers.

18. Any local authority may from time to time enlarge lessen alter the course of cover in or otherwise improve any sewer belonging to them, and may discontinue close up or destroy any such sewer that has in their opinion become unnecessary, on condition of providing a sewer as effectual for the use of any person who may be deprived in pursuance of this section of the lawful use of any sewer: Provided that the discontinuance closing up or destruction of any sewer shall be so done as not to create a nuisance.

19. Every local authority shall cause the sewers belonging to them to be constructed covered ventilated and kept so as not to be a nuisance or injurious to health, and to be properly cleansed and emptied. Cleansing sewers.

20. An urban authority may, if they think fit, provide a map exhibiting a system of sewerage for effectually draining their district, and any such map shall be kept at their office, and shall at all reasonable times be open to the inspection of the ratepayers of their district. Map of system of sewerage.

21. The owner or occupier of any premises within the district of a local authority shall be entitled to cause his drains to empty into the sewers of that authority on condition of his giving such notice as may be required by that authority of his intention so to do, and of complying with the regulations of that authority in respect of the mode in which the communications between such drains and sewers are to be made, and subject to the control of any person who may be appointed by that authority to superintend the making of such communications. Power of owners and occupiers within district to drain into sewers of local authority.

Any person causing a drain to empty into a sewer of a local authority without complying with the provisions of this section shall be liable to a penalty not exceeding twenty pounds, and the local authority may close any communication between a drain and sewer made in contravention of this section, and may recover in a summary manner from the person so offending any expenses incurred by them under this section.

22. The owner or occupier of any premises without the district of a local authority may cause any sewer or drain from such premises to communicate with any sewer of the local authority on such terms and conditions as may be agreed on between such owner or occupier and such local authority, or as in case of dispute may be settled, at the option of the owner or occupier, by a court of summary jurisdiction or by arbitration in manner provided by this Act. Use of sewers by owners and occupiers without district.

23. Where any house within the district of a local authority is without a drain sufficient for effectual drainage, the local authority shall by written notice require the owner or occupier of such house, within a reasonable time therein specified, to make a covered drain or drains emptying into any sewer which the local authority are entitled to use, and which is not more than one hundred feet from the site of such house; but if no such means of drainage are within that distance, then emptying into such covered cesspool or other place not being under any house as the local authority direct; and the local authority may require any such drain or drains to be of such materials and size, and to be laid at such level, and with such fall as on the report of their surveyor may appear to them to be necessary. Power of local authority to enforce drainage of undrained houses.

If such notice is not complied with, the local authority may, after the expiration of the time specified in the notice, do the work required, and may recover in a summary manner the expenses incurred by them in so doing from the owner, or may by order declare the same to be private improvement expenses.

Provided that where, in the opinion of the local authority, greater expense would be incurred in causing the drains of two or more houses to empty into an existing sewer pursuant to this section, than in constructing a new sewer and causing such drains to empty therein, the local authority may construct such new sewer, and require the owners or occupiers of such houses to cause their drains to empty therein, and may apportion as they deem just the expenses of the construction of such sewer among the owners of the several houses, and recover in a summary manner the sums apportioned from such owners, or may by order declare the same to be private improvement expenses.

Power of local authority to require houses to be drained into new sewers.

24. Where any house within the district of a local authority has a drain communicating with any sewer, which drain though sufficient for the effectual drainage of the house is not adapted to the general sewerage system of the district, or is in the opinion of the local authority otherwise objectionable, the local authority may, on condition of providing a drain or drains as effectual for the drainage of the house, and communicating with such other sewer as they think fit, close such first-mentioned drain, and may do any works necessary for that purpose, and the expenses of those works, and of the construction of any drain or drains provided by them under this section, shall be deemed to be expenses properly incurred by them in the execution of this Act.

Penalty on building house without drains in urban district.

25. It shall not be lawful in any urban district newly to erect any house or to rebuild any house which has been pulled down to or below the ground floor, or to occupy any house so newly erected or rebuilt, unless and until a covered drain or drains be constructed, of such size and materials, and at such level, and with such fall as on the report of the surveyor may appear to the urban authority to be necessary for the effectual drainage of such house; and the drain or drains so to be constructed shall empty into any sewer which the urban authority are entitled to use, and which is within one hundred feet of some part of the site of the house to be built or rebuilt; but if no such means of drainage are within that distance, then shall empty into such covered cesspool or other place, not being under any house, as the urban authority direct.

Any person who causes any house to be erected or rebuilt or any drain to be constructed in contravention of this section shall be liable to a penalty not exceeding fifty pounds.

Penalty on unauthorised

26. Any person who in any urban district, without the written consent of the urban authority,—

(1.) Causes any building to be newly erected over any sewer of the urban authority; or,

(2.) Causes any vault arch or cellar to be newly built or constructed under the carriageway of any street,

building over sewers and under streets in urban district.

shall forfeit to the urban authority the sum of five pounds and a further sum of forty shillings for every day during which the offence is continued after written notice in this behalf from the urban authority; and the urban authority may cause any building vault arch or cellar erected or constructed in contravention of this section to be altered pulled down or otherwise dealt with as they may think fit, and may recover in a summary manner any expenses incurred by them in so doing from the offender.

Disposal of Sewage.

27. For the purpose of receiving storing disinfecting distributing or otherwise disposing of sewage any local authority may—

Powers for disposing of sewage.

(1.) Construct any works within their district, or (subject to the provisions of this Act as to sewage works without the district of the local authority) without their district; and

(2.) Contract for the use of purchase or take on lease any land buildings engines materials or apparatus either within or without their district; and

(3.) Contract to supply for any period not exceeding twenty-five years any person with sewage, and as to the execution and costs of works either within or without their district for the purposes of such supply:

Provided that no nuisance be created in the exercise of any of the powers given by this section.

28. The local authority of any district may, by agreement with the local authority of any adjoining district, and with the sanction of the Local Government Board, cause their sewers to communicate with the sewers of such last-mentioned authority, in such manner and on such terms and subject to such conditions as may be agreed on between the local authorities, or, in case of dispute, may be settled by the Local Government Board: Provided that so far as practicable storm waters shall be prevented from flowing from the sewers of the first-mentioned authority into the sewers of the last-mentioned authority, and that the sewage of other districts or places shall not be permitted by the first-mentioned authority to pass into their sewers so as to be discharged into the sewers of the last-mentioned authority without the consent of such last-mentioned authority.

Power to agree for communication of sewers with sewers of adjoining district.

29. Any local authority may deal with any lands held by them for the purpose of receiving storing disinfecting or

Power to deal with land ap-

propriated to sewage purposes.

distributing sewage in such manner as they deem most profitable, either by leasing the same for a period not exceeding twenty-one years for agricultural purposes, or by contracting with some person to take the whole or a part of the produce of such land, or by farming such land and disposing of the produce thereof; subject to this restriction, that in dealing with land for any of the above purposes, provision shall be made for effectually disposing of all the sewage brought to such land without creating a nuisance.

Contribution to works under agreement for supply or distribution of sewage.

30. Where any local authority agree with any person as to the supply of sewage and as to works to be made for the purpose of such supply, they may contribute to the expense of carrying into execution by such person all or any of the purposes of such agreement, and may become shareholders in any company with which any agreement in relation to the matters aforesaid has been or may hereafter be entered into by such local authority, or to or in which the benefits and obligations of such agreement may have been or may be transferred or vested.

Application of 27 & 28 Vict. c. 114. to works for supply of sewage.

31. The making of works of distribution and service for the supply of sewage to lands for agricultural purposes shall be deemed an "improvement of land" authorised by "The Improvement of Land Act, 1864," and the provisions of that Act shall apply accordingly.

As to Sewage Works without District.

Notice to be given before commencing sewage works without district.

32. A local authority shall, three months at least before commencing the construction or extension of any sewer or other work for sewage purposes without their district, give notice of the intended work by advertisement in one or more of the local newspapers circulated within the district where the work is to be made.

Such notice shall describe the nature of the intended work, and shall state the intended termini thereof, and the names of the parishes, and the turnpike roads and streets, and other lands (if any) through across under or on which the work is to be made, and shall name a place where a plan of the intended work is open for inspection at all reasonable hours; and a copy of such notice shall be served on the owners or reputed owners, lessees or reputed lessees, and occupiers of the said lands, and on the overseers of such parishes, and on the trustees, surveyors of highways, or other persons having the care of such roads or streets.

In case of objection, works not to be commenced without sanction of Local Government Board.

33. If any such owner, lessee, or occupier, or any such overseer, trustee, surveyor, or other person as aforesaid, or any other owner, lessee, or occupier who would be affected by the intended work, objects to such work, and serves notice in writing of such objection on the local authority at any time

within the said three months, the intended work shall not be commenced without the sanction of the Local Government Board after such inquiry as herein-after mentioned, unless such objection is withdrawn.

Inspector to hold inquiry and report to Local Government Board.

34. The Local Government Board may, on application of the local authority, appoint an inspector to make inquiry on the spot into the propriety of the intended work and into the objections thereto, and to report to the Local Government Board on the matters with respect to which such inquiry was directed, and on receiving the report of such inspector, the Local Government Board may make an order disallowing or allowing, with such modifications (if any) as they may deem necessary, the intended work.

PRIVIES, WATERCLOSETS, &c.

Penalty on building houses without privy accommodation.

35. It shall not be lawful newly to erect any house, or to rebuild any house pulled down to or below the ground floor, without a sufficient watercloset earthcloset or privy and an ashpit furnished with proper doors and coverings.

Any person who causes any house to be erected or rebuilt in contravention of this enactment shall be liable to a penalty not exceeding twenty pounds.

Power of local authority to enforce provision of privy accommodation for houses.

36. If a house within the district of a local authority appears to such authority by the report of their surveyor or inspector of nuisances to be without a sufficient watercloset earthcloset or privy and an ashpit furnished with proper doors and coverings, the local authority shall, by written notice, require the owner or occupier of the house, within a reasonable time therein specified, to provide a sufficient watercloset earthcloset or privy and an ashpit furnished as aforesaid, or either of them, as the case may require.

If such notice is not complied with, the local authority may, at the expiration of the time specified in the notice, do the work thereby required to be done, and may recover in a summary manner from the owner the expenses incurred by them in so doing, or may by order declare the same to be private improvement expenses: Provided that where a watercloset earthcloset or privy has been and is used in common by the inmates of two or more houses, or if in the opinion of the local authority a watercloset earthcloset or privy may be so used, they need not require the same to be provided for each house.

As to earthclosets.

37. Any enactment in force within the district of any local authority requiring the construction of a watercloset shall be deemed to be satisfied by the construction, with the approval of the local authority, of an earthcloset.

Any local authority may, as respects any house in which any earthcloset is in use with their approval, dispense with the supply of water required by any contract or enactment

to be furnished to any watercloset in such house, on such terms as may be agreed on between such authority and the person providing or required to provide such supply of water.

Any local authority may themselves undertake or contract with any person to undertake a supply of dry earth or other deodorising substance to any house within their district for the purpose of any earthcloset.

In this Act the term "earthcloset" includes any place for the reception and deodorization of fœcal matter constructed to the satisfaction of the local authority.

Privy accommodation for factories.

38. Where it appears to any local authority by the report of their surveyor that any house is used or intended to be used as a factory or building in which persons of both sexes are employed or intended to be employed at one time in any manufacture trade or business, the local authority may, if they think fit, by written notice require the owner or occupier of such house, within the time therein specified, to construct a sufficient number of waterclosets earthclosets or privies and ashpits for the separate use of each sex.

Any person who neglects or refuses to comply with any such notice shall be liable for each default to a penalty not exceeding twenty pounds, and to a further penalty not exceeding forty shillings for every day during which the default is continued.

Public necessaries.

39. Any urban authority may, if they think fit, provide and maintain, in proper and convenient situations, urinals waterclosets earthclosets privies and ashpits, and other similar conveniences for public accommodation.

Drains, privies, &c. to be properly kept.

40. Every local authority shall provide that all drains waterclosets earthclosets privies ashpits and cesspools within their district be constructed and kept so as not to be a nuisance or injurious to health.

Examination of drains, privies, &c. on complaint of nuisance.

41. On the written application of any person to a local authority, stating that any drain watercloset earthcloset privy ashpit or cesspool on or belonging to any premises within their district is a nuisance or injurious to health (but not otherwise), the local authority may, by writing, empower their surveyor or inspector of nuisances, after twenty-four hours written notice to the occupier of such premises, or in case of emergency without notice, to enter such premises, with or without assistants, and cause the ground to be opened, and examine such drain watercloset earthcloset privy ashpit or cesspool. If the drain watercloset earthcloset privy ashpit or cesspool on examination is found to be in proper condition, he shall cause the ground to be closed, and any damage done to be made good as soon as can be, and the expenses of the works shall be defrayed by the local authority. If the drain watercloset earthcloset privy ashpit or cesspool on examination

appear to be in bad condition, or to require alteration or amendment, the local authority shall forthwith cause notice in writing to be given to the owner or occupier of the premises requiring him forthwith or within a reasonable time therein specified to do the necessary works; and if such notice is not complied with, the person to whom it is given shall be liable to a penalty not exceeding ten shillings for every day during which he continues to make default, and the local authority may, if they think fit, execute such works, and may recover in a summary manner from the owner the expenses incurred by them in so doing, or may by order declare the same to be private improvement expenses.

SCAVENGING AND CLEANSING.

Regulations as to Streets and Houses.

Local authority to provide for cleansing of streets and removal of refuse.

42. Every local authority may, and when required by order of the Local Government Board shall, themselves undertake or contract for—

The removal of house refuse from premises;

The cleansing of earthclosets privies ashpits and cesspools; either for the whole or any part of their district: Moreover every urban authority and any rural authority invested by the Local Government Board with the requisite powers may, and when required by order of the said Board shall, themselves undertake or contract for the proper cleansing of streets, and may also themselves undertake or contract for the proper watering of streets for the whole or any part of their district.

All matters collected by the local authority or contractor in pursuance of this section may be sold or otherwise disposed of, and any profits thus made by an urban authority shall be carried to the account of the fund or rate applicable by them for the general purposes of this Act; and any profits thus made by a rural authority in respect of any contributory place shall be carried to the account of the fund or rate out of which expenses incurred under this section by that authority in such contributory place are defrayed.

If any person removes or obstructs the local authority or contractor in removing any matters by this section authorised to be removed by the local authority, he shall for each offence be liable to a penalty not exceeding five pounds: Provided that the occupier of a house within the district shall not be liable to such penalty in respect of any such matters which are produced on his own premises and are intended to be removed for sale or for his own use, and are in the meantime kept so as not to be a nuisance.

Penalty on neglect of local authority to remove refuse, &c.

43. If a local authority who have themselves undertaken or contracted for the removal of house refuse from premises, or the cleansing of earthclosets privies ashpits and cesspools fail, without reasonable excuse, after notice in writing from the occupier of any house within their district requiring them to

remove any house refuse or to cleanse any earthcloset privy ashpit or cesspool belonging to such house or used by the occupiers thereof, to cause the same to be removed or cleansed, as the case may be, within seven days, the local authority shall be liable to pay to the occupier of such house a penalty not exceeding five shillings for every day during which such default continues after the expiration of the said period.

Power of local authority to make byelaws imposing duty of cleansing, &c. on occupier.

44. Where the local authority do not themselves undertake or contract for—

The cleansing of footways and pavements adjoining any premises,

The removal of house refuse from any premises,

The cleansing of earthclosets privies ashpits and cesspools belonging to any premises,

they may make byelaws imposing the duty of such cleansing or removal, at such intervals as they think fit, on the occupier of any such premises.

An urban authority may also make byelaws for the prevention of nuisances arising from snow filth dust ashes and rubbish, and for the prevention of the keeping of animals on any premises so as to be injurious to health.

Power to provide receptacles for deposit of rubbish.

45. Any urban authority may, if they see fit, provide in proper and convenient situations receptacles for the temporary deposit and collection of dust ashes and rubbish; they may also provide fit buildings and places for the deposit of any matters collected by them in pursuance of this part of this Act.

Houses to be purified, on certificate of officer of health, or of two medical practitioners.

46. Where, on the certificate of the medical officer of health or of any two medical practitioners, it appears to any local authority that any house or part thereof is in such a filthy or unwholesome condition that the health of any person is affected or endangered thereby, or that the whitewashing cleansing or purifying of any house or part thereof would tend to prevent or check infectious disease, the local authority shall give notice in writing to the owner or occupier of such house or part thereof to whitewash cleanse or purify the same, as the case may require.

If the person to whom notice is so given fails to comply therewith within the time therein specified, he shall be liable to a penalty not exceeding ten shillings for every day during which he continues to make default; and the local authority may, if they think fit, cause such house or part thereof to be whitewashed cleansed or purified, and may recover in a summary manner the expenses incurred by them in so doing from the person in default.

Penalty in respect of certain nuisances on premises.

47. Any person who in any urban district—

(1.) Keeps any swine or pigstye in any dwelling-house, or so as to be a nuisance to any person; or

(2.) Suffers any waste or stagnant water to remain in any cellar or place within any dwelling-house for twenty-

four hours after written notice to him from the urban authority to remove the same; or

(3.) Allows the contents of any watercloset privy or cesspool to overflow or soak therefrom,

shall for every such offence be liable to a penalty not exceeding forty shillings, and to a further penalty not exceeding five shillings for every day during which the offence is continued, and the urban authority shall abate or cause to be abated every such nuisance, and may recover in a summary manner the expenses incurred by them in so doing from the occupier of the premises on which the nuisance exists.

Offensive Ditches and Collections of Matter.

Provision for obtaining order for cleansing offensive ditches lying near to or forming the boundaries of districts.

48. Where any watercourse or open ditch lying near to or forming the boundary between the district of any local authority and any adjoining district is foul and offensive, so as injuriously to affect the district of such local authority, any justice having jurisdiction in such adjoining district may, on the application of such local authority, summon the local authority of such adjoining district to appear before a court of summary jurisdiction to show cause why an order should not be made by such court for cleansing such watercourse or open ditch, and for executing such permanent or other structural works as may appear to such court to be necessary; and such court, after hearing the parties, or ex parte in case of the default of any of them to appear, may make such order with reference to the execution of the works, and the persons by whom the same shall be executed, and by whom and in what proportions the costs of such works shall be paid, and also as to the amount thereof, and the time and mode of payment, as to such court may seem reasonable.

Removal of filth on certificate of inspector of nuisances.

49. Where in any urban district it appears to the inspector of nuisances that any accumulation of manure dung soil or filth or other offensive or noxious matter ought to be removed, he shall give notice to the person to whom the same belongs, or to the occupier of the premises whereon it exists, to remove the same; and if such notice is not complied with within twenty-four hours from the service thereof, the manure dung soil or filth or matter referred to shall be vested in and be sold or disposed of by the urban authority, and the proceeds thereof shall be applied in payment of the expenses incurred by them in the execution of this section; and the surplus (if any) shall be paid on demand to the owner of the matter removed.

The expenses of removal by the urban authority of any such accumulation, if and so far as they are not covered by the sale thereof, may be recovered by the urban authority in a summary manner from the person to whom the accumulation belongs, or from the occupier of the premises, or (where there is no occupier) from the owner.

Periodical removal of manure from mews and other premises.

50. Notice may be given by any urban authority (by public announcement in the district or otherwise) for the periodical removal of manure or other refuse matter from mews stables or other premises; and where any such notice has been given any person to whom the manure or other refuse matter belongs who fails so to remove the same, or permits a further accumulation, and does not continue such periodical removal at such intervals as the urban authority direct, shall be liable without further notice to a penalty not exceeding twenty shillings for each day during which such manure or other refuse matter is permitted to accumulate.

WATER SUPPLY.

Powers of Local Authority in relation to Supply of Water.

General powers for supplying district with water.

51. Any urban authority may provide their district or any part thereof, and any rural authority may provide their district or any contributory place therein, or any part of any such contributory place, with a supply of water proper and sufficient for public and private purposes, and for those purposes or any of them may—

(1.) Construct and maintain waterworks, dig wells, and do any other necessary acts; and

(2.) Take on lease or hire any waterworks, and (with the sanction of the Local Government Board) purchase any waterworks, or any water or right to take or convey water, either within or without their district, and any rights powers and privileges of any water company; and

(3.) Contract with any person for a supply of water.

Restriction on construction of waterworks by local authority.

52. Before commencing to construct waterworks within the limits of supply of any water company empowered by Act of Parliament or any order confirmed by Parliament to supply water, the local authority shall give written notice to every water company within whose limits of supply the local authority are desirous of supplying water, stating the purposes for which and (as far as may be practicable) the extent to which water is required by the local authority.

It shall not be lawful for the local authority to construct any waterworks within such limits if and so long as any such company are able and willing to supply water proper and sufficient for all reasonable purposes for which it is required by the local authority; and any difference as to whether the water which any such company are able and willing to lay on is proper and sufficient for the purposes for which it is required, or whether the purposes for which it is required are reasonable, or (if and so far as the charges of the company are not regulated by Parliament) as to the terms of supply, shall be settled by arbitration in manner provided by this Act.

53. At least two months before commencing to construct under the provisions of this Act any reservoir (other than a service reservoir or tank which will hold not more than one hundred thousand gallons) the local authority shall give notice of the intended work by advertisement in one or more of the local newspapers circulated within the district where the reservoir is to be constructed. As to construction of reservoirs.

If any person who would be affected by the intended work objects to such work, and serves notice in writing of such objection on the local authority at any time within the said two months, the intended work shall not be commenced without the sanction of the Local Government Board, after such inquiry as herein-after mentioned, unless such objection is withdrawn.

The Local Government Board may, on application of the local authority, appoint an inspector to make inquiry on the spot into the propriety of the intended work and into the objections thereto, and to report to the Local Government Board on the matters with respect to which such inquiry was directed; and on receiving the report of such inspector, the Local Government Board may make an order disallowing or allowing with such modifications (if any) as they may deem necessary the intended work.

54. Where a local authority supply water within their district, they shall have the same powers and be subject to the same restrictions for carrying water mains within or without their district as they have and are subject to for carrying sewers within or without their district respectively by the law for the time being in force. Power of carrying mains.

55. A local authority shall provide and keep in any waterworks constructed or purchased by them a supply of pure and wholesome water; and where a local authority lay any pipes for the supply of any of the inhabitants of their district, the water may be constantly laid on at such pressure as will carry the same to the top story of the highest dwelling-house within the district or part of the district supplied. As to supply of water.

56. Where a local authority supply water to any premises they may charge in respect of such supply a water rate to be assessed on the net annual value of the premises ascertained in the manner by this Act prescribed with respect to general district rates; moreover they may enter into agreements for supplying water on such terms as may be agreed on between them and the persons receiving the supply, and shall have the same powers for recovering water rents or other payments accruing under such agreements as they have for recovering water rates. Power to charge water rates and rents.

57. For the purpose of enabling any local authority to supply water there shall be incorporated with this Act the Incorporation of certain pro-

visions of Waterworks Clauses Acts.

Waterworks Clauses Act, 1863, and the following provisions of the Waterworks Clauses Act, 1847; (namely,)

"With respect" (where the local authority have not the control of the streets) "to the breaking up of streets for the purpose of laying pipes"; and

"With respect to the communication pipes to be laid by the undertakers"; and

"With respect to the communication pipes to be laid by the inhabitants"; and

"With respect to waste or misuse of the water supplied by the undertakers"; and

"With respect to the provision for guarding against fouling the water of the undertakers"; and

"With respect to the payment and recovery of the water rates."

Provided,—

That the provisions with respect to the communication pipes to be laid by the undertakers and the inhabitants respectively shall apply only in districts or parts of districts where the local authority lay any pipes for the supply of any of the inhabitants thereof; and

That any dispute authorised or directed by any of the said incorporated provisions to be settled by an inspector or two justices shall be settled by a court of summary jurisdiction; and

That section forty-four of the Waterworks Clauses Act, 1847, shall for the purposes of this Act have effect as if the words "with the consent in writing of the owner or "reputed owner of any such house, or of the agent of "such owner," were omitted therefrom; and any rent for pipes and works paid by an occupier under that section may be deducted by him from any rent from time to time due from him to such owner.

Power to supply water by measure.

58. A local authority may agree with any person to supply water by measure, and as to the payment to be made in the form of rent or otherwise for every meter provided by them; they shall at all times at their own expense keep all meters and other instruments for measuring water let by them for hire to any person in proper order for correctly registering the supply of water, and in default of their so doing such person shall not be liable to pay rent for the same during such time as such default continues. The local authority shall for the purposes aforesaid have access to and be at liberty at all reasonable times to remove test inspect and replace any such meter or other instrument.

Register of meter to be evidence.

59. Where water is supplied by measure by any local authority, the register of the meter or other instrument for measuring water shall be primâ facie evidence of the quantity of water consumed; and if the local authority and the con-

sumer differ with respect to the quantity consumed, the difference shall be determined, on the application of either party, by a court of summary jurisdiction, and such court may order by which of the parties the costs of the proceedings before them shall be paid, and its decision shall be final and binding.

Penalty for injuring meters.

60. If any person wilfully or by culpable negligence injures or suffers to be injured any meter or fittings belonging to a local authority, or fraudulently alters the index to any meter, or prevents any meter from duly registering the quantity of water supplied, or fraudulently abstracts or uses water of the local authority, he shall (without prejudice to any other right or remedy of the local authority) be liable to a penalty not exceeding forty shillings, and the local authority may in addition thereto recover the amount of any damage sustained. The existence of artificial means, under the control of the consumer, for causing any such alteration prevention abstraction or use shall be evidence that the consumer has fraudulently effected the same.

Power to supply water to authority of adjoining district.

61. Any local authority for the time being supplying water within their own district may, with the sanction of the Local Government Board, supply water to the local authority of any adjoining district on such terms as may be agreed on between such authorities, or as, in case of dispute, may be settled by arbitration in manner provided by this Act.

Local authority may require houses to be supplied with water in certain cases.

62. Where on the report of the surveyor of a local authority it appears to such authority that any house within their district is without a proper supply of water, and that such a supply of water can be furnished thereto at a cost not exceeding the water rate authorised by any local Act in force within the district, or where there is not any local Act so in force at a cost not exceeding twopence a week, or at such other cost as the Local Government Board may, on the application of the local authority, determine under all the circumstances of the case to be reasonable, the local authority shall give notice in writing to the owner, requiring him, within a time therein specified, to obtain such supply, and to do all such works as may be necessary for that purpose.

If such notice is not complied with within the time specified, the local authority may, if they think fit, do such works and obtain such supply, and for that purpose may enter into any contract with any water company supplying water within their district; and water rates may be made and levied on the premises by the authority or company which furnishes the supply and may be recovered as if the owner or occupier of the premises had demanded a supply of water and were willing to pay water rates for the same, and any expenses incurred by the local authority in doing any such works may be recovered in a summary manner from the owner of the

premises, or may by order of the local authority be declared to be private improvement expenses.

Powers of water company for supplying water to local authority.

63. Any water company may contract to supply water or may lease their waterworks to any local authority; and the directors of any water company, in pursuance, in the case of a company registered under the Companies Act, 1862, of a special resolution of the members passed in manner provided by that Act, and in the case of any other company of a resolution passed by three fourths in number and value of the members present, either personally or by proxy, at a meeting specially convened with notice of the business to be transacted, may sell and transfer to any local authority, on such terms as may be agreed on between the company and the local authority, all the rights powers and privileges, and all or any of the waterworks premises and other property of the company, but subject to all liabilities to which the same are subject at the time of such purchase.

Vesting of public cisterns, &c. in local authority.

64. All existing public cisterns pumps wells reservoirs conduits aqueducts and works used for the gratuitous supply of water to the inhabitants of the district of any local authority shall vest in and be under the control of such authority, and such authority may cause the same to be maintained and plentifully supplied with pure and wholesome water, or may substitute maintain and plentifully supply with pure and wholesome water other such works equally convenient; they may also (subject to the provisions of this Act) construct any other such works for supplying water for the gratuitous use of any inhabitants who choose to carry the same away, not for sale, but for their own private use.

Water for public baths, or trading or manufacturing purposes.

65. Any local authority may, if they think fit, supply water from any waterworks purchased or constructed by them to any public baths or wash-houses, or for trading or manufacturing purposes, on such terms and conditions as may be agreed on between the local authority and the persons desirous of being so supplied; moreover, any local authority may, if they think fit, construct any works for the gratuitous supply of any public baths or wash-houses established otherwise than for private profit or supported out of any poor or borough rates.

Duty of urban authority to provide fire-plugs.

66. Every urban authority shall cause fire-plugs and all necessary works machinery and assistance for securing an efficient supply of water in case of fire to be provided and maintained, and for this purpose they may enter into any agreement with any water company or person; and they shall paint or mark on the buildings and walls within the streets words or marks near to such fire-plugs to denote the situation thereof, and do such other things for the purposes aforesaid as they may deem expedient.

67. In the Oxford or Cambridge district the local authority may supply water to any hall college or premises of the university within such district, on such terms with respect to the mode of paying for such supply as may from time to time be agreed on between such university, or any hall or college thereof, and the local authority.

Agreements with universities.

Provisions for Protection of Water.

68. Any person engaged in the manufacture of gas who—

(1.) Causes or suffers to be brought or to flow into any stream reservoir aqueduct pond or place for water, or into any drain or pipe communicating therewith, any washing or other substance produced in making or supplying gas; or,

(2.) Wilfully does any act connected with the making or supplying of gas whereby the water in any such stream reservoir aqueduct pond or place for water is fouled,

shall forfeit for every such offence the sum of two hundred pounds, and, after the expiration of twenty-four hours notice from the local authority or the person to whom the water belongs in that behalf, a further sum of twenty pounds for every day during which the offence is continued or during the continuance of the act whereby the water is fouled.

Penalty for causing water to be corrupted by gas washings.

Every such penalty may be recovered, with full costs of suit, in any of the superior courts, in the case of water belonging to or under the control of the local authority by the local authority, and in any other case by the person into whose water such washing or other substance is conveyed or flows or whose water is fouled by any such act as aforesaid, or in default of proceedings by such person, after notice to him from the local authority of their intention to proceed for such penalty, by the local authority; but such penalty shall not be recoverable unless it be sued for during the continuance of the offence, or within six months after it has ceased.

69. Any local authority, with the sanction of the Attorney General, may, either in their own name or in the name of any other person, with the consent of such person, take such proceedings by indictment bill in Chancery action or otherwise, as they may deem advisable for the purpose of protecting any watercourse within their jurisdiction from pollutions arising from sewage either within or without their district; and the costs of and incidental to any such proceedings, including any costs that may be awarded to the defendant, shall be deemed to be expenses properly incurred by such authority in the execution of this Act.

Local authority may take proceedings to prevent pollution of streams.

70. On the representation of any person to any local authority that within their district the water in any well tank or cistern, public or private, or supplied from any public pump, and used or likely to be used by man for drinking or domestic

Power to close polluted wells, &c.

purposes, or for manufacturing drinks for the use of man, is so polluted as to be injurious to health, such authority may apply to a court of summary jurisdiction for an order to remedy the same; and thereupon such court shall summon the owner or occupier of the premises to which the well tank or cistern belongs if it be private, and in the case of a public well tank cistern or pump, any person alleged in the application to be interested in the same, and may either dismiss the application, or may make an order directing the well tank cistern or pump to be permanently or temporarily closed, or the water to be used for certain purposes only, or such other order as may appear to them to be requisite to prevent injury to the health of persons drinking the water.

The court may, if they see fit, cause the water complained of to be analysed at the cost of the local authority applying to them under this section.

If the person on whom an order under this section is made fails to comply with the same, the court may on the application of the local authority authorise them to do whatever may be necessary in the execution of the order, and any expenses incurred by them may be recovered in a summary manner from the person on whom the order is made.

Expenses incurred by any rural authority in the execution of this section, and not recovered by them as aforesaid, shall be special expenses.

REGULATION OF CELLAR DWELLINGS AND LODGING HOUSES.

Occupation of Cellar Dwellings.

Prohibition of occupying cellar dwellings

71. It shall not be lawful to let or occupy or suffer to be occupied separately as a dwelling any cellar (including for the purposes of this Act in that expression any vault or underground room) built or rebuilt after the passing of this Act, or which is not lawfully so let or occupied at the time of the passing of this Act.

Existing cellar dwellings only to be let or occupied on certain conditions.

72. It shall not be lawful to let or occupy or suffer to be occupied separately as a dwelling, any cellar whatsoever, unless the following requisitions are complied with; (that is to say,)

Unless the cellar is in every part thereof at least seven feet in height, measured from the floor to the ceiling thereof, and is at least three feet of its height above the surface of the street or ground adjoining or nearest to the same; and

Unless there is outside of and adjoining the cellar and extending along the entire frontage thereof, and upwards from six inches below the level of the floor thereof up to the surface of the said street or ground, an open area of at least two feet and six inches wide in every part; and

Unless the cellar is effectually drained by means of a drain, the uppermost part of which is one foot at least below the level of the floor thereof; and

Unless there is appurtenant to the cellar the use of a watercloset earthcloset or privy and an ashpit, furnished with proper doors and coverings, according to the provisions of this Act; and

Unless the cellar has a fireplace with a proper chimney or flue, and an external window of at least nine superficial feet in area clear of the sash frame, and made to open in a manner approved by the surveyor (except in the case of an inner or back cellar let or occupied along with a front cellar as part of the same letting or occupation; in which case the external window may be of any dimensions not being less than four superficial feet in area clear of the sash frame).

Provided that in any area adjoining a cellar there may be steps necessary for access to such cellar, if the same be so placed as not to be over across or opposite to the said external window, and so as to allow between every part of such steps and the external wall of such cellar a clear space of six inches at the least, and that over or across any such area there may be steps necessary for access to any building above the cellar to which such area adjoins, if the same be so placed as not to be over across or opposite to any such external window.

Penalty on persons offending against enactment.

73. Any person who lets occupies or knowingly suffers to be occupied for hire or rent, any cellar contrary to the provisions of this Act shall be liable for every such offence to a penalty not exceeding twenty shillings for every day during which the same continues to be so let or occupied after notice in writing from the local authority in this behalf.

Definition of occupying as a dwelling.

74. Any cellar in which any person passes the night shall be deemed to be occupied as a dwelling within the meaning of this Act.

Power to close cellars in case of two convictions.

75. Where two convictions against the provisions of any Act relating to the occupation of a cellar as a separate dwelling place have taken place within three months (whether the persons so convicted were or were not the same) a court of summary jurisdiction may direct the closing of the premises so occupied for such time as it may deem necessary, or may empower the local authority permanently to close the same, and to defray any expenses incurred by them in the execution of this section

Common Lodging-houses.

Registers of common lodging-houses to be kept.

76. Every local authority shall keep a register in which shall be entered the names and residences of the keepers of all common lodging-houses within the district of such autho-

rity, and the situation of every such house, and the number of lodgers authorised under this Act by such authority to be received therein.

A copy of any entry in such register, certified by the clerk of the local authority to be a true copy, shall be received in all courts and on all occasions as evidence, and shall be sufficient proof of the matter registered, without production of the register or of any document or thing on which the entry is founded; and a certified copy of any such entry shall be supplied gratis by the clerk to any person applying at a reasonable time for the same.

All common lodging-houses to be registered, and to be kept only by registered keepers.

77. A person shall not keep a common lodging-house or receive a lodger therein unless the house is registered in accordance with the provisions of this Act; nor unless his name as the keeper thereof is entered in the register kept under this Act: Provided that when the person so registered dies, his widow or any member of his family may keep the house as a common lodging-house for not more than four weeks after his death without being registered as the keeper thereof.

Local authority may refuse to register houses.

78. A house shall not be registered as a common lodging-house until it has been inspected and approved for the purpose by some officer of the local authority; and the local authority may refuse to register as the keeper of a common lodging-house a person who does not produce to the local authority a certificate of character, in such form as the local authority direct, signed by three inhabitant householders of the parish respectively rated to the relief of the poor of the parish within which the lodging-house is situate for property of the yearly rateable value of six pounds or upwards.

Notice of registration to be affixed to houses.

79. The keeper of every common lodging-house shall, if required in writing by the local authority so to do, affix and keep undefaced and legible a notice with the words "Registered Common Lodging-house" in some conspicuous place on the outside of such house.

The keeper of any such house who, after requisition in writing from the local authority, refuses or neglects to affix or renew such notice, shall be liable to a penalty not exceeding five pounds, and to a further penalty of ten shillings for every day that such refusal or neglect continues after conviction.

Byelaws to be made by local authority.

80. Every local authority shall from time to time make byelaws—

(1.) For fixing and from time to time varying the number of lodgers who may be received into a common lodging-house, and for the separation of the sexes therein; and,

(2.) For promoting cleanliness and ventilation in such houses; and,

(3.) For the giving of notices and the taking precautions in the case of any infectious disease; and,

(4.) Generally for the well ordering of such houses.

Power to local authority to require supply of water to houses.

81. Where it appears to any local authority that a common lodging-house is without a proper supply of water for the use of the lodgers, and that such a supply can be furnished thereto at a reasonable rate, the local authority may by notice in writing require the owner or keeper of such house, within a time specified therein, to obtain such supply, and to do all works necessary for that purpose; and if the notice be not complied with accordingly, the local authority may remove such house from the register until it is complied with.

Limewashing of houses.

82. The keeper of a common lodging-house shall, to the satisfaction of the local authority, limewash the walls and ceilings thereof in the first week of each of the months of April and October in every year, and shall if he fails to do so be liable to a penalty not exceeding forty shillings.

Power to order reports from keepers of houses receiving vagrants.

83. The keeper of a common lodging-house in which beggars or vagrants are received to lodge shall from time to time, if required in writing by the local authority so to do, report to the local authority, or to such person as the local authority direct, every person who resorted to such house during the preceding day or night, and for that purpose schedules shall be furnished by the local authority to the person so ordered to report, which schedules he shall fill up with the information required and transmit to the local authority.

Keepers to give notice of fever, &c. therein.

84. The keeper of a common lodging-house shall, when a person in such house is ill of fever or any infectious disease, give immediate notice thereof to the medical officer of health of the local authority, and also to the poor law relieving officer of the union or parish in which the common lodging-house is situated.

As to inspection.

85. The keeper of a common lodging-house, and every other person having or acting in the care or management thereof, shall, at all times when required by any officer of the local authority, give him free access to such house or any part thereof; and any such keeper or person who refuses such access shall be liable to a penalty not exceeding five pounds.

Offences by keepers of houses.

86. Any keeper of a common lodging-house who—

(1.) Receives any lodger in such house without the same being registered under this Act; or

(2.) Fails to make a report, after he has been furnished by the local authority with schedules for the purpose in pursuance of this Act, of the persons resorting to such house; or

(3.) Fails to give the notices required by this Act where any person has been confined to his bed in such house by fever or other infectious disease,

shall be liable to a penalty not exceeding five pounds, and in the case of a continuing offence to a further penalty not exceeding forty shillings for every day during which the offence continues.

Evidence as to family in proceedings

87. In any proceedings under the provisions of this Act relating to common lodging-houses, if the inmates of any house or part of a house allege that they are members of the same family, the burden of proving such allegation shall lie on the persons making it.

Conviction for third offence to disqualify persons from keeping common lodging-house.

88. Where the keeper of a common lodging-house is convicted of a third offence against any of the provisions of this Act relating to common lodging-houses, the court before whom the conviction for such third offence takes place may, if it thinks fit, adjudge that he shall not at any time within five years after the conviction, or within such shorter period after the conviction as the court thinks fit, keep a common lodging-house without the previous license in writing of the local authority, which license the local authority may withhold or grant on such terms and conditions as they think fit.

Interpretation of "common lodging-house."

89. For the purposes of this Act the expression "common lodging-house" includes, in any case in which only part of a house is used as a common lodging-house, the part so used of such house.

Byelaws as to Houses let in Lodgings.

Local Government Board may empower local authority to make byelaws as to lodging-houses

90. The Local Government Board may, if they think fit, by notice published in the London Gazette, declare the following enactment to be in force within the district or any part of the district of any local authority, and from and after the publication of such notice such authority shall be empowered to make byelaws for the following matters; (that is to say,)

(1.) For fixing and from time to time varying the number of persons who may occupy a house or part of a house which is let in lodgings or occupied by members of more than one family, and for the separation of the sexes in a house so let or occupied:

(2.) For the registration of houses so let or occupied:

(3.) For the inspection of such houses:

(4.) For enforcing drainage and the provision of privy accommodation for such houses, and for promoting cleanliness and ventilation in such houses:

(5.) For the cleansing and lime-washing at stated times of the premises, and for the paving of the courts and courtyards thereof:

(6.) For the giving of notices and the taking of precautions in case of any infectious disease

This section shall not apply to common lodging-houses within the provisions of this Act relating to common lodging-houses.

NUISANCES.

91. For the purposes of this Act,— **Definition of nuisances.**

1. Any premises in such a state as to be a nuisance or injurious to health:
2. Any pool ditch gutter watercourse privy urinal cesspool drain or ashpit so foul or in such a state as to be a nuisance or injurious to health:
3. Any animal so kept as to be a nuisance or injurious to health:
4. Any accumulation or deposit which is a nuisance or injurious to health:
5. Any house or part of a house so overcrowded as to be dangerous or injurious to the health of the inmates, whether or not members of the same family:
6. Any factory, workshop, or workplace (not already under the operation of any general Act for the regulation of factories or bakehouses), not kept in a cleanly state, or not ventilated in such a manner as to render harmless as far as practicable any gases vapours dust or other impurities generated in the course of the work carried on therein that are a nuisance or injurious to health, or so overcrowded while work is carried on as to be dangerous or injurious to the health of those employed therein:
7. Any fireplace or furnace which does not as far as practicable consume the smoke arising from the combustible used therein, and which is used for working engines by steam, or in any mill factory dyehouse, brewery bakehouse or gaswork, or in any manufacturing or trade process whatsoever; and

Any chimney (not being the chimney of a private dwelling-house) sending forth black smoke in such quantity as to be a nuisance,

shall be deemed to be nuisances liable to be dealt with summarily in manner provided by this Act: Provided—

First. That a penalty shall not be imposed on any person in respect of any accumulation or deposit necessary for the effectual carrying on any business or manufacture if it be proved to the satisfaction of the court that the accumulation or deposit has not been kept longer than is necessary for the purposes of the business or manufacture, and that the best available means have been taken for preventing injury thereby to the public health:

Secondly. That where a person is summoned before any court in respect of a nuisance arising from a fireplace or furnace which does not consume the smoke arising from the combustible used in such fireplace or furnace, the court shall hold that no nuisance is created within the meaning of this Act, and dismiss the complaint, if it is

satisfied that such fireplace or furnace is constructed in such manner as to consume as far as practicable, having regard to the nature of the manufacture or trade, all smoke arising therefrom, and that such fireplace or furnace has been carefully attended to by the person having the charge thereof.

Duty of local authority to inspect district for detection of nuisances

92. It shall be the duty of every local authority to cause to be made from time to time inspection of their district, with a view to ascertain what nuisances exist calling for abatement under the powers of this Act, and to enforce the provisions of this Act in order to abate the same; also to enforce the provisions of any Act in force within their district requiring fireplaces and furnaces to consume their own smoke.

Information of nuisances to local authority.

93. Information of any nuisance under this Act in the district of any local authority may be given to such local authority by any person aggrieved thereby, or by any two inhabitant householders of such district, or by any officer of such authority, or by the relieving officer, or by any constable or officer of the police force of such district.

Local authority to serve notice requiring abatement of nuisance.

94. On the receipt of any information respecting the existence of a nuisance the local authority shall, if satisfied of the existence of a nuisance, serve a notice on the person by whose act default or sufferance the nuisance arises or continues, or, if such person cannot be found, on the owner or occupier of the premises on which the nuisance arises, requiring him to abate the same within a time to be specified in the notice, and to execute such works and do such things as may be necessary for that purpose: Provided—

First. That where the nuisance arises from the want or defective construction of any structural convenience, or where there is no occupier of the premises, notice under this section shall be served on the owner:

Secondly. That where the person causing the nuisance cannot be found and it is clear that the nuisance does not arise or continue by the act default or sufferance of the owner or occupier of the premises, the local authority may themselves abate the same without further order.

On non-compliance with notice complaint to be made to justice.

95. If the person on whom a notice to abate a nuisance has been served makes default in complying with any of the requisitions thereof within the time specified, or if the nuisance, although abated since the service of the notice is, in the opinion of the local authority, likely to recur on the same premises, the local authority shall cause a complaint relating to such nuisance to be made before a justice, and such justice shall thereupon issue a summons requiring the person on whom the notice was served to appear before a court of summary jurisdiction.

96. If the court is satisfied that the alleged nuisance exists, or that although abated it is likely to recur on the same premises, the court shall make an order on such person requiring him to comply with all or any of the requisitions of the notice, or otherwise to abate the nuisance within a time specified in the order, and to do any works necessary for that purpose; or an order prohibiting the recurrence of the nuisance and directing the execution of any works necessary to prevent the recurrence; or an order both requiring abatement and prohibiting the recurrence of the nuisance.

Power of court of summary jurisdiction to make order dealing with nuisance.

The court may by their order impose a penalty not exceeding five pounds on the person on whom the order is made, and shall also give directions as to the payment of all costs incurred up to the time of the hearing or making the order for abatement or prohibition of the nuisance.

97. Where the nuisance proved to exist is such as to render a house or building, in the judgment of the court, unfit for human habitation, the court may prohibit the using thereof for that purpose until, in its judgment, the house or building is rendered fit for that purpose; and on the court being satisfied that it has been rendered fit for that purpose the court may determine its previous order by another, declaring the house or building habitable, and from the date thereof such house or building may be let or inhabited.

Order of prohibition in case of house unfit for human habitation.

98. Any person not obeying an order to comply with the requisitions of the local authority or otherwise to abate the nuisance, shall, if he fails to satisfy the court that he has used all due diligence to carry out such order, be liable to a penalty not exceeding ten shillings per day during his default; and any person knowingly and wilfully acting contrary to an order of prohibition shall be liable to a penalty not exceeding twenty shillings per day during such contrary action; moreover, the local authority may enter the premises to which any order relates, and abate the nuisance, and do whatever may be necessary in execution of such order, and recover in a summary manner the expenses incurred by them from the person on whom the order is made.

Penalty for contravention of order of court.

99. Where any person appeals against an order to the court of quarter sessions in manner provided by this Act no liability to penalty shall arise, nor shall any proceedings be taken or work be done under such order, until after the determination of such appeal, unless such appeal ceases to be prosecuted.

Appeal against order.

100. Whenever it appears to the satisfaction of the court of summary jurisdiction that the person by whose act or default the nuisance arises, or the owner or occupier of the premises is not known or cannot be found, then the order of the court may be addressed to and executed by the local authority.

In certain cases order may be addressed to local authority.

Power to sell manure, &c.

101. Any matter or thing removed by the local authority in abating any nuisance under this Act may be sold by public auction; and the money arising from the sale may be retained by the local authority, and applied in payment of the expenses incurred by them with reference to such nuisance, and the surplus (if any) shall be paid, on demand, to the owner of such matter or thing.

Power of entry of local authority.

102. The local authority, or any of their officers, shall be admitted into any premises for the purpose of examining as to the existence of any nuisance thereon, or of enforcing the provisions of any Act in force within the district requiring fireplaces and furnaces to consume their own smoke, at any time between the hours of nine in the forenoon and six in the afternoon, or in the case of a nuisance arising in respect of any business, then at any hour when such business is in progress or is usually carried on.

Where under this Act a nuisance has been ascertained to exist, or an order of abatement or prohibition has been made, the local authority or any of their officers shall be admitted from time to time into the premises between the hours aforesaid, until the nuisance is abated, or the works ordered to be done are completed, as the case may be.

Where an order of abatement or prohibition has not been complied with, or has been infringed, the local authority, or any of their officers, shall be admitted from time to time at all reasonable hours, or at all hours during which business is in progress or is usually carried on, into the premises where the nuisance exists, in order to abate the same.

If admission to premises for any of the purposes of this section is refused, any justice on complaint thereof on oath by any officer of the local authority (made after reasonable notice in writing of the intention to make the same has been given to the person having custody of the premises), may, by order under his hand, require the person having custody of the premises to admit the local authority, or their officer, into the premises during the hours aforesaid, and if no person having custody of the premises can be found, the justice shall, on oath made before him of that fact, by order under his hand authorise the local authority or any of their officers to enter such premises during the hours aforesaid.

Any order made by a justice for admission of the local authority or any of their officers on premises shall continue in force until the nuisance has been abated, or the work for which the entry was necessary has been done.

Penalty for disobedience of order

103. Any person who refuses to obey an order of a justice for admission of the local authority or any of their officers on any premises shall be liable to a penalty not exceeding five pounds.

104. All reasonable costs and expenses incurred in making a complaint, or giving notice, or in obtaining any order of the court or any justice in relation to a nuisance under this Act, or in carrying the same into effect, shall be deemed to be money paid for the use and at the request of the person on whom the order is made; or if the order is made on the local authority, or if no order is made, but the nuisance is proved to have existed when the complaint was made or the notice given, then of the person by whose act or default the nuisance was caused; and in case of nuisances caused by the act or default of the owner of premises, such costs and expenses may be recovered from any person who is for the time being owner of such premises: Provided that such costs and expenses shall not exceed in the whole one year's rackrent of the premises.

Costs and expenses of execution of provisions relating to nuisances.

Such costs and expenses, and any penalties incurred in relation to any such nuisance, may be recovered in a summary manner or in any county or superior court; and the court shall have power to divide costs expenses and penalties between persons by whose acts or defaults a nuisance is caused as to it may seem just.

Any costs and expenses recoverable under this section by a local authority from an owner of premises may be recovered from the occupier for the time being of such premises; and the owner shall allow such occupier to deduct any moneys which he pays under this enactment out of the rent from time to time becoming due in respect of the said premises, as if the same had been actually paid to such owner as part of such rent:

Provided, that no such occupier shall be required to pay any further sum than the amount of rent for the time being due from him, or which, after demand of such costs or expenses from such occupier, and after notice not to pay his landlord any rent without first deducting the amount of such costs or expenses, becomes payable by such occupier, unless he refuses, on application to him by the local authority, truly to disclose the amount of his rent and the name and address of the person to whom such rent is payable; but the burden of proof that the sum demanded from any such occupier is greater than the rent due by him at the time of such notice, or which has since accrued, shall lie on such occupier:

Provided also, that nothing herein contained shall affect any contract between any owner or occupier of any house building or other property whereby it is or may be agreed that the occupier shall pay or discharge all rates dues and sums of money payable in respect of such house building or other property, or to affect any contract whatsoever between landlord and tenant.

105. Complaint may be made to a justice of the existence of a nuisance under this Act on any premises within the

Power of individual to com-

plain to justice of nuisance.

district of any local authority by any person aggrieved thereby, or by any inhabitant of such district, or by any owner of premises within such district, and thereupon the like proceedings shall be had with the like incidents and consequences as to making of orders, penalties for disobedience of orders, appeal, and otherwise, as in the case of a complaint relating to a nuisance made to a justice by the local authority:

Provided that the court may, if it thinks fit, adjourn the hearing or further hearing of the summons for an examination of the premises where the nuisance is alleged to exist, and may authorise the entry into such premises of any constable or other person for the purposes of such examination:

Provided also, that the court may authorise any constable or other person to do all necessary acts for executing an order made under this section, and to recover the expenses from the person on whom the order is made in a summary manner.

Any constable or other person authorised under this section shall have the like powers and be subject to the like restrictions as if he were an officer of the local authority authorised under the provisions of this Act relating to nuisances to enter any premises and do any acts thereon.

Power of officer of police to proceed in certain cases against nuisances.

106. Where it is proved to the satisfaction of the Local Government Board that a local authority have made default in doing their duty in relation to nuisances under this Act, the Local Government Board may authorise any officer of police acting within the district of the defaulting authority to institute any proceeding which the defaulting authority might institute with respect to such nuisances, and such officer may recover in a summary manner or in any county or superior court any expenses incurred by him, and not paid by the person proceeded against, from the defaulting authority:

But such officer of police shall not be at liberty to enter any house or part of a house used as the dwelling of any person without such person's consent, or without the warrant of a justice, for the purpose of carrying into effect this enactment.

Local authority may take proceedings in superior court for abatement of nuisances.

107. Any local authority may, if in their opinion summary proceedings would afford an inadequate remedy, cause any proceedings to be taken against any person in any superior court of law or equity to enforce the abatement or prohibition of any nuisance under this Act, or for the recovery of any penalties from or for the punishment of any persons offending against the provisions of this Act relating to nuisances, and may order the expenses of and incident to all such proceedings to be paid out of the fund or rate applicable by them to the general purposes of this Act.

Power to proceed where

108. Where a nuisance under this Act within the district of a local authority appears to be wholly or partially caused

by some act or default committed or taking place without their district, the local authority may take or cause to be taken against any person in respect of such act or default any proceedings in relation to nuisances by this Act authorised, with the same incidents and consequences, as if such act or default were committed or took place wholly within their district; so, however, that summary proceedings shall in no case be taken otherwise than before a court having jurisdiction in the district where the act or default is alleged to be committed or take place.

cause of nuisance arises without district.

This section shall extend to the metropolis so far as to authorise proceedings to be taken under it by any nuisance authority in the metropolis in respect of any nuisance within the area of their jurisdiction caused by an act or default committed or taking place within the district of a local authority under this Act; or by any such local authority in respect of any nuisance within their district caused by an act or default committed or taking place within the jurisdiction of any such nuisance authority.

In this section "nuisance authority" means the local authority in the metropolis for the execution of the Nuisances Removal Act for England, 1855, and the Acts amending the same.

109. Where two convictions against the provisions of any Act relating to the overcrowding of a house have taken place within a period of three months (whether the persons convicted were or were not the same) a court of summary jurisdiction may on the application of the local authority of the district in which the house is situated direct the closing of the house for such period as the court may deem necessary.

Provision in case of two convictions for overcrowding.

110. For the purpose of the provisions of this Act relating to nuisances, any ship or vessel lying in any river harbour or other water within the district of a local authority shall be subject to the jurisdiction of that authority in the same manner as if it were a house within such district; and any ship or vessel lying in any river harbour or other water not within the district of a local authority shall be deemed to be within the district of such local authority as may be prescribed by the Local Government Board, and where no local authority has been prescribed, then of the local authority whose district nearest adjoins the place where such ship or vessel is lying.

Provision as to ships.

The master or other officer in charge of any such ship or vessel shall be deemed for the purpose of the said provisions to be the occupier of such ship or vessel.

This section shall not apply to any ship or vessel under the command or charge of any officer bearing Her Majesty's commission, or to any ship or vessel belonging to any foreign government.

Provisions of Act relating to nuisances not to affect other remedies

111. The provisions of this Act relating to nuisances shall be deemed to be in addition to and not to abridge or affect any right remedy or proceeding under any other provisions of this Act or under any other Act, or at law or in equity:

Provided that no person shall be punished for the same offence both under the provisions of this Act relating to nuisances, and under any other law or enactment

OFFENSIVE TRADES

Restriction on establishment of offensive trade in urban district

112. Any person who, after the passing of this Act, establishes within the district of an urban authority, without their consent in writing, any offensive trade; that is to say, the trade of—

Blood boiler, or
Bone boiler, or
Fellmonger, or
Soap boiler, or
Tallow melter, or
Tripe boiler, or
Any other noxious or offensive trade business or manufacture,

shall be liable to a penalty not exceeding fifty pounds in respect of the establishment thereof, and any person carrying on a business so established shall be liable to a penalty not exceeding forty shillings for every day on which the offence is continued, whether there has or has not been any conviction in respect of the establishment thereof.

Byelaws as to offensive trades in urban district.

113. Any urban authority may from time to time make byelaws with respect to any offensive trades established with their consent either before or after the passing of this Act, in order to prevent or diminish the noxious or injurious effects thereof

Duty of urban authority to complain to justice of nuisance arising from offensive trade

114. Where any candle-house melting-house melting-place or soap-house, or any slaughter-house, or any building or place for boiling offal or blood, or for boiling burning or crushing bones, or any manufactory building or place used for any trade business process or manufacture causing effluvia, is certified to any urban authority by their medical officer of health, or by any two legally qualified medical practitioners, or by any ten inhabitants of the district of such urban authority, to be a nuisance or injurious to the health of any of the inhabitants of the district, such urban authority shall direct complaint to be made before a justice, who may summon the person by or on whose behalf the trade so complained of is carried on to appear before a court of summary jurisdiction.

The court shall inquire into the complaint, and if it appears to the court that the business carried on by the person complained of is a nuisance, or causes any effluvia which is a nuisance or injurious to the health of any of the inhabitants

of the district, and unless it be shown that such person has used the best practicable means for abating such nuisance, or preventing or counteracting such effluvia, the person so offending (being the owner or occupier of the premises, or being a foreman or other person employed by such owner or occupier,) shall be liable to a penalty not exceeding five pounds nor less than forty shillings, and on a second and any subsequent conviction to a penalty double the amount of the penalty imposed for the last preceding conviction, but the highest amount of such penalty shall not in any case exceed the sum of two hundred pounds:

Provided, that the court may suspend its final determination on condition that the person complained of undertakes to adopt, within a reasonable time, such means as the court may deem to be practicable and order to be carried into effect for abating such nuisance, or mitigating or preventing the injurious effects of such effluvia, or if such person gives notice of appeal to the court of quarter sessions in manner provided by this Act.

Any urban authority may, if they think fit, on such certificate as is in this section mentioned, cause to be taken any proceedings in any superior court of law or equity against any person in respect of the matters alleged in such certificate.

Power to proceed where nuisance arises from offensive trade carried on without district.

115. Where any house building manufactory or place which is certified in pursuance of the last preceding section to be a nuisance or injurious to the health of any of the inhabitants of the district of an urban authority is situated without such district, such urban authority may take or cause to be taken any proceedings by that section authorised in respect of the matters alleged in the certificate, with the same incidents and consequences, as if the house building manufactory or place were situated within such district; so, however, that summary proceedings shall not in any case be had otherwise than before a court having jurisdiction in the district where the house building manufactory or place is situated.

This section shall extend to the metropolis so far as to authorise proceedings to be taken under it by any nuisance authority in the metropolis in respect of any house building manufactory or place which is certified as aforesaid to be a nuisance or injurious to the health of any of the inhabitants within the area of their jurisdiction, and is situated within the district of a local authority under this Act; or by any urban authority in respect of any house building manufactory or place which is certified as aforesaid to be a nuisance or injurious to the health of any of the inhabitants of their district and is situated within the jurisdiction of any such nuisance authority.

In this section "nuisance authority" means the local authority in the metropolis for the execution of the Nuisances

Removal Act for England, 1855, and the Acts amending the same.

UNSOUND MEAT, &c.

Power of medical officer of health to inspect meat, &c.

116. Any medical officer of health or inspector of nuisances may at all reasonable times inspect and examine any animal carcase meat poultry game flesh fish fruit vegetables corn bread flour or milk exposed for sale, or deposited in any place for the purpose of sale, or of preparation for sale, and intended for the food of man, the proof that the same was not exposed or deposited for any such purpose, or was not intended for the food of man, resting with the party charged; and if any such animal carcase meat poultry game flesh fish fruit vegetables corn bread flour or milk appears to such medical officer or inspector to be diseased or unsound or unwholesome or unfit for the food of man, he may seize and carry away the same himself or by an assistant, in order to have the same dealt with by a justice.

Power of justice to order destruction of unsound meat, &c.

117. If it appears to the justice that any animal carcase meat poultry game flesh fish fruit vegetables corn bread flour or milk so seized is diseased or unsound or unwholesome or unfit for the food of man, he shall condemn the same, and order it to be destroyed or so disposed of as to prevent it from being exposed for sale or used for the food of man; and the person to whom the same belongs or did belong at the time of exposure for sale, or in whose possession or on whose premises the same was found, shall be liable to a penalty not exceeding twenty pounds for every animal carcase or fish or piece of meat flesh or fish, or any poultry or game, or for the parcel of fruit vegetables corn bread or flour or for the milk so condemned, or, at the discretion of the justice, without the infliction of a fine, to imprisonment for a term of not more than three months.

The justice who, under this section, is empowered to convict the offender may be either the justice who may have ordered the article to be disposed of or destroyed, or any other justice having jurisdiction in the place.

Penalty for hindering officer from inspecting meat, &c.

118. Any person who in any manner prevents any medical officer of health or inspector of nuisances from entering any premises and inspecting any animal carcase meat poultry game flesh fish fruit vegetables corn bread flour or milk exposed or deposited for the purpose of sale, or of preparation for sale, and intended for the food of man, or who obstructs or impedes any such medical officer or inspector or his assistant, when carrying into execution the provisions of this Act, shall be liable to a penalty not exceeding five pounds.

Search warrant may be granted by a justice.

119. On complaint made on oath by a medical officer of health, or by an inspector of nuisances, or other officer of a local authority, any justice may grant a warrant to any such

officer to enter any building or part of a building in which such officer has reason for believing that there is kept or concealed any animal carcase meat poultry game flesh fish fruit vegetables corn bread flour or milk which is intended for sale for the food of man, and is diseased unsound or unwholesome, or unfit for the food of man; and to search for seize and carry away any such animal or other article in order to have the same dealt with by a justice under the provisions of this Act.

Any person who obstructs any such officer in the performance of his duty under such warrant shall, in addition to any other punishment to which he may be subject, be liable to a penalty not exceeding twenty pounds.

INFECTIOUS DISEASES AND HOSPITALS.

Provisions against Infection.

Duty of local authority to cause premises to be cleansed and disinfected.

120. Where any local authority are of opinion, on the certificate of their medical officer of health or of any other legally qualified medical practitioner, that the cleansing and disinfecting of any house or part thereof, and of any articles therein likely to retain infection, would tend to prevent or check infectious disease, it shall be the duty of such authority to give notice in writing to the owner or occupier of such house or part thereof requiring him to cleanse and disinfect such house or part thereof and articles within a time specified in such notice.

If the person to whom notice is so given fails to comply therewith, he shall be liable to a penalty of not less than one shilling and not exceeding ten shillings for every day during which he continues to make default; and the local authority shall cause such house or part thereof and articles to be cleansed and disinfected, and may recover the expenses incurred from the owner or occupier in default in a summary manner.

Where the owner or occupier of any such house or part thereof is from poverty or otherwise unable, in the opinion of the local authority, effectually to carry out the requirements of this section, such authority may, without enforcing such requirements on such owner or occupier, with his consent cleanse and disinfect such house or part thereof and articles, and defray the expenses thereof.

Destruction of infected bedding, &c.

121. Any local authority may direct the destruction of any bedding clothing or other articles which have been exposed to infection from any dangerous infectious disorder, and may give compensation for the same.

Provision of means of disinfection.

122. Any local authority may provide a proper place, with all necessary apparatus and attendance, for the disinfection of bedding clothing or other articles which have become infected, and may cause any articles brought for disinfection to be disinfected free of charge.

Provision of conveyance for infected persons.

123. Any local authority may provide and maintain a carriage or carriages suitable for the conveyance of persons suffering under any infectious disorder, and may pay the expense of conveying therein any person so suffering to a hospital or other place of destination.

Removal of infected persons without proper lodging to hospital by order of justice.

124. Where any suitable hospital or place for the reception of the sick is provided within the district of a local authority, or within a convenient distance of such district, any person who is suffering from any dangerous infectious disorder, and is without proper lodging or accommodation, or lodged in a room occupied by more than one family, or is on board any ship or vessel, may, on a certificate signed by a legally qualified medical practitioner, and with the consent of the superintending body of such hospital or place, be removed, by order of any justice, to such hospital or place at the cost of the local authority; and any person so suffering, who is lodged in any common lodging-house, may, with the like consent and on a like certificate, be so removed by order of the local authority.

An order under this section may be addressed to such constable or officer of the local authority as the justice or local authority making the same may think expedient; and any person who wilfully disobeys or obstructs the execution of such order shall be liable to a penalty not exceeding ten pounds.

Removal to hospital of infected persons brought by ships.

125. Any local authority may make regulations (to be approved of by the Local Government Board) for removing to any hospital to which such authority are entitled to remove patients, and for keeping in such hospital so long as may be necessary, any persons brought within their district by any ship or boat who are infected with a dangerous infectious disorder, and such regulations may impose on offenders against the same reasonable penalties not exceeding forty shillings for each offence.

Penalty on exposure of infected persons and things.

126. Any person who—

(1.) While suffering from any dangerous infectious disorder wilfully exposes himself without proper precautions against spreading the said disorder in any street public place shop inn or public conveyance, or enters any public conveyance without previously notifying to the owner conductor or driver thereof that he is so suffering; or

(2.) Being in charge of any person so suffering, so exposes such sufferer; or

(3.) Gives lends sells transmits or exposes, without previous disinfection, any bedding clothing rags or other things which have have been exposed to infection from any such disorder,

shall be liable to a penalty not exceeding five pounds; and a person who, while suffering from any such disorder, enters any

public conveyance without previously notifying to the owner or driver that he is so suffering, shall in addition be ordered by the court to pay such owner and driver the amount of any loss and expense they may incur in carrying into effect the provisions of this Act with respect to disinfection of the conveyance.

Provided that no proceedings under this section shall be taken against persons transmitting with proper precautions any bedding clothing rags or other things for the purpose of having the same disinfected.

Penalty on failing to provide for disinfection of public conveyance.

127. Every owner or driver of a public conveyance shall immediately provide for the disinfection of such conveyance after it has to his knowledge conveyed any person suffering from a dangerous infectious disorder; and if he fails to do so he shall be liable to a penalty not exceeding five pounds; but no such owner or driver shall be required to convey any person so suffering until he has been paid a sum sufficient to cover any loss or expense incurred by him in carrying into effect the provisions of this section.

Penalty on letting houses in which infected persons have been lodging.

128. Any person who knowingly lets for hire any house room or part of a house in which any person has been suffering from any dangerous infectious disorder, without having such house room or part of a house and all articles therein liable to retain infection, disinfected to the satisfaction of a legally qualified medical practitioner, as testified by a certificate signed by him, shall be liable to a penalty not exceeding twenty pounds.

For the purposes of this section, the keeper of an inn shall be deemed to let for hire part of a house to any person admitted as a guest into such inn.

Penalty on persons letting houses making false statements as to infectious disease.

129. Any person letting for hire or showing for the purpose of letting for hire any house or part of a house, who on being questioned by any person negotiating for the hire of such house or part of a house as to the fact of there being or within six weeks previously having been therein any person suffering from any dangerous infectious disorder, knowingly makes a false answer to such question, shall be liable, at the discretion of the court, to a penalty not exceeding twenty pounds, or to imprisonment, with or without hard labour, for a period not exceeding one month.

Power of Local Government Board to make regulations.

130. The Local Government Board may from time to time make alter and revoke such regulations as to the said Board may seem fit, with a view to the treatment of persons affected with cholera, or any other epidemic endemic or infectious disease, and preventing the spread of cholera and such other diseases, as well on the seas rivers and waters of the United Kingdom, and on the high seas within three miles of the coasts thereof, as on land; and may declare by what authority

or authorities such regulations shall be enforced and executed. Regulations so made shall be published in the London Gazette, and such publication shall be for all purposes conclusive evidence of such regulations.

Any person wilfully neglecting or refusing to obey or carry out or obstructing the execution of any regulation made under this section shall be liable to a penalty not exceeding fifty pounds.

Hospitals.

Power of local authority to provide hospitals.

131. Any local authority may provide for the use of the inhabitants of their district hospitals or temporary places for the reception of the sick, and for that purpose may—

Themselves build such hospitals or places of reception; or

Contract for the use of any such hospital or part of a hospital or place of reception; or

Enter into any agreement with any person having the management of any hospital, for the reception of the sick inhabitants of their district, on payment of such annual or other sum as may be agreed on.

Two or more local authorities may combine in providing a common hospital.

Recovery of costs of maintenance of patient in hospital.

132. Any expenses incurred by a local authority in maintaining in a hospital, or in a temporary place for the reception of the sick (whether or not belonging to such authority), a patient who is not a pauper, shall be deemed to be a debt due from such patient to the local authority, and may be recovered from him at any time within six months after his discharge from such hospital or place of reception, or from his estate in the event of his dying in such hospital or place.

Power to provide temporary supply of medicine.

133. Any local authority may, with the sanction of the Local Government Board, themselves provide or contract with any person to provide a temporary supply of medicine and medical assistance for the poorer inhabitants of their district.

PREVENTION OF EPIDEMIC DISEASES.

Power of Local Government Board to make regulations for prevention of diseases.

134. Whenever any part of England appears to be threatened with or is affected by any formidable epidemic endemic or infectious disease, the Local Government Board may make, and from time to time alter and revoke regulations for all or any of the following purposes; (namely,)

(1.) For the speedy interment of the dead; and

(2.) For house to house visitation; and

(3.) For the provision of medical aid and accommodation, for the promotion of cleansing ventilation and disinfection, and for guarding against the spread of disease;

and may by order declare all or any of the regulations so made to be in force within the whole or any part or parts of

the district of any local authority, and to apply to any vessels, whether on inland waters or on arms or parts of the sea within the jurisdiction of the Lord High Admiral of the United Kingdom or the commissioners for executing the office of the Lord High Admiral for the time being, for the period in such order mentioned; and may by any subsequent order abridge or extend such period.

Publication of regulations and orders.

135. All regulations and orders so made by the Local Government Board shall be published in the London Gazette, and such publication shall be conclusive evidence thereof for all purposes.

Local authority to see to the execution of regulations.

136. The local authority of any district within which or part of which regulations so issued by the Local Government Board are declared to be in force, shall superintend and see to the execution thereof, and shall appoint and pay such medical or other officers or persons, and do and provide all such acts matters and things as may be necessary for mitigating any such disease, or for superintending or aiding in the execution of such regulations, or for executing the same, as the case may require. Moreover, the local authority may from time to time direct any prosecution or legal proceedings for or in respect of the wilful violation or neglect of any such regulation.

Power of entry.

137. The local authority and their officers shall have power of entry on any premises or vessel for the purpose of executing or superintending the execution of any regulations so issued by the Local Government Board as aforesaid.

Poor law medical officer entitled to costs of attendance on board vessels.

138. Whenever, in compliance with any regulation so issued by the Local Government Board as aforesaid, any poor law medical officer performs any medical service on board any vessel he shall be entitled to charge extra for such service, at the general rate of his allowance for services for the union or place for which he is appointed; and such charges shall be payable by the captain of such vessel on behalf of the owners thereof, together with any reasonable expenses for the treatment of the sick.

Where such services are rendered by any medical practitioner who is not a poor law medical officer, he shall be entitled to charges for any service rendered on board, with extra remuneration on account of distance, at the same rate as those which he is in the habit of receiving from private patients of the class of those attended and treated on shipboard, to be paid as aforesaid. In case of dispute in respect of such charges, such dispute may, where the charges do not exceed twenty pounds, be determined by a court of summary jurisdiction; and such court shall determine summarily the amount which is reasonable, according to the accustomed rate of charge within the place where the dispute arises for atten-

dance on patients of the like class as those in respect of whom the charge is made.

Local Government Board may combine local authorities.

139. The Local Government Board may, if they think fit, by order authorise or require any two or more local authorities to act together for the purposes of the provisions of this Act relating to prevention of epidemic diseases, and may prescribe the mode of such joint action and of defraying the costs thereof.

Penalty for violating or obstructing the execution of regulations.

140. Any person who—

(1.) Wilfully violates any regulation so issued by the Local Government Board as aforesaid; or,

(2.) Wilfully obstructs any person acting under the authority or in the execution of any such regulation,

shall be liable to a penalty not exceeding five pounds.

MORTUARIES, &c.

Power of local authority to provide mortuaries.

141. Any local authority may, and if required by the Local Government Board shall, provide and fit up a proper place for the reception of dead bodies before interment (in this Act called a mortuary), and may make byelaws with respect to the management and charges for use of the same; they may also provide for the decent and economical interment, at charges to be fixed by such byelaws, of any dead body which may be received into a mortuary.

Justice may in certain cases order removal of dead body to mortuary.

142. Where the body of one who has died of any infectious disease is retained in a room in which persons live or sleep, or any dead body which is in such a state as to endanger the health of the inmates of the same house or room is retained in such house or room, any justice may, on a certificate signed by a legally qualified medical practitioner, order the body to be removed, at the cost of the local authority, to any mortuary provided by such authority, and direct the same to be buried within a time to be limited in such order; and unless the friends or relations of the deceased undertake to bury the body within the time so limited, and do bury the same, it shall be the duty of the relieving officer to bury such body at the expense of the poor rate, but any expense so incurred may be recovered by the relieving officer in a summary manner from any person legally liable to pay the expense of such burial.

Any person obstructing the execution of an order made by a justice under this section shall be liable to a penalty not exceeding five pounds.

Power of local authority to provide places for post-mortem examinations.

143. Any local authority may provide and maintain a proper place (otherwise than at a workhouse or at a mortuary) for the reception of dead bodies during the time required to conduct any post-mortem examination ordered by a coroner or other constituted authority, and may make regulations with

respect to the management of such place; and where any such place has been provided, a coroner or other constituted authority may order the removal of the body to and from such place for carrying out such post-mortem examination, such costs of removal to be paid in the same manner and out of the same fund as the costs and fees for post-mortem examinations when ordered by the coroner.

PART IV.

LOCAL GOVERNMENT PROVISIONS.

HIGHWAYS AND STREETS.

As to Highways.

144. Every urban authority shall within their district exclusively of any other person execute the office of and be surveyor of highways, and have exercise and be subject to all the powers authorities duties and liabilities of surveyors of highways under the law for the time being in force, save so far as such powers authorities or duties are or may be inconsistent with the provisions of this Act; every urban authority shall also have exercise and be subject to all the powers authorities duties and liabilities which by the Highway Act, 1835, or any Act amending the same, are vested in and given to the inhabitants in vestry assembled of any parish within their district.

Powers of surveyors of highways and of vestries under 5 & 6 W. 4. c. 50. vested in urban authority.

All ministerial acts required by any Act of Parliament to be done by or to the surveyor of highways may be done by or to the surveyor of the urban authority, or by or to such other person as they may appoint.

145. The inhabitants within any urban district shall not in respect of any property situated therein be liable to the payment of highway rate or other payment, not being a toll, in respect of making or repairing roads or highways without such district: Provided, that any person who in any place after the passing of this Act ceases under or by virtue of any provision of this Act, or of any order made thereunder, to be surveyor of highways within such place, may recover any highway rate made in respect of such place, and remaining unpaid at the time of his so ceasing to be such surveyor, as if he had not ceased to be such surveyor; and the money so recovered shall be applied, in the first place, in reimbursing himself any expenses incurred by him as such surveyor, and in discharging any debts legally owing by him on account of the highways within his jurisdiction; and the surplus (if any) shall be paid by him to the treasurer of the urban authority, and carried to the fund or rate applicable to the repair of highways within their district.

Inhabitants of urban district not liable to rates for roads without district.

Power of urban authority to agree as to making of new public roads

146. Any urban authority may agree with any person for the making of roads within their district for the public use through the lands and at the expense of such person, and may agree that such roads shall become and the same shall accordingly become on completion highways maintainable and repairable by the inhabitants at large within their district; they may also, with the consent of two thirds of their number, agree with such person to pay, and may accordingly pay, any portion of the expenses of making such roads.

Power of urban authority to construct or adopt public bridges, &c. over or under canals, &c.

147. Any urban authority may agree with the proprietors of any canal railway or tramway to adopt and maintain any existing or projected bridge viaduct or arch within their district, over or under any such canal railway or tramway, and the approaches thereto, and may accordingly adopt and maintain such bridge viaduct or arch and approaches as parts of public streets or roads maintainable and repairable by the inhabitants at large within their district; or such authority may themselves agree to construct any such bridge viaduct or arch at the expense of such proprietors; they may also, with the consent of two thirds of their number, agree to pay, and may accordingly pay, any portion of the expenses of the construction or alteration of any such bridge viaduct or arch, or of the purchase of any adjoining lands required for the foundation and support thereof, or for the approaches thereto.

Power of urban authority to enter into agreements with turnpike trustees as to repair, &c. of roads

148. Any urban authority may by agreement with the trustees of any turnpike road, or with any person liable to repair any street or road, or any part thereof, or with the surveyor of any county bridge, take on themselves the maintenance repair cleansing or watering of any such street or road or any part thereof, or of any road over any county bridge, and the approaches thereto, or of any part of the said streets or roads within their district, and may remove any turnpike gates toll gates or bars which may be situated within their district, and may erect other turnpike gates toll gates or bars in lieu thereof, on such terms as the urban authority and such trustees or person or surveyor as aforesaid may agree on:

Provided—

That where any mortgage debt is charged on the tolls of any such turnpike road, no agreement shall be made for the removal of any of the toll gates or bars thereon unless with the previous consent in writing of a majority of at least two thirds in value of the mortgagees; and

That where the terms arranged include any annual or other payments from such urban authority to the trustees of any such turnpike road, then the payments may be secured on any fund or rate applicable by such authority to any of the purposes of this Act in the same manner as

other charges on any such fund or rate are authorised by this Act.

Any executors administrators guardians trustees or committee of the estate of any idiot or lunatic, who are as such for the time being entitled to any money charged or secured on the tolls of any such turnpike road, may consent to any such agreement as aforesaid, as fully as if they respectively were so entitled in their own right, discharged of all trusts in respect thereof; and all executors administrators guardians trustees and committees so consenting are hereby severally indemnified for so doing.

Regulation of Streets and Buildings.

Vesting of streets, &c. in urban authority.

149. All streets, being or which at any time become highways repairable by the inhabitants at large within any urban district, and the pavements stones and other materials thereof, and all buildings implements and other things provided for the purposes thereof, shall vest in and be under the control of the urban authority.

The urban authority shall from time to time cause all such streets to be levelled paved metalled flagged channelled altered and repaired as occasion may require; they may from time to time cause the soil of any such street to be raised lowered or altered as they may think fit, and may place and keep in repair fences and posts for the safety of foot passengers.

Any person who without the consent of the urban authority wilfully displaces or takes up or who injures the pavement stones materials fences or posts of or the trees in any such street shall be liable to a penalty not exceeding five pounds, and to a further penalty not exceeding five shillings for every square foot of pavement stones or other materials so displaced taken up or injured; he shall also be liable in the case of any injury to trees to pay to the local authority such amount of compensation as the court may award.

Power to compel paving, &c. of private streets.

150. Where any street within any urban district (not being a highway repairable by the inhabitants at large) or the carriageway footway or any other part of such street is not sewered levelled paved metalled flagged channelled and made good or is not lighted to the satisfaction of the urban authority, such authority may, by notice addressed to the respective owners or occupiers of the premises fronting adjoining or abutting on such parts thereof as may require to be sewered levelled paved metalled flagged or channelled, or to be lighted, require them to sewer level pave metal flag channel or make good or to provide proper means for lighting the same within a time to be specified in such notice.

Before giving such notice the urban authority shall cause plans and sections of any structural works intended to be executed under this section, and an estimate of the probable cost thereof, to be made under the direction of their surveyor,

such plans and sections to be on a scale of not less than one inch for eighty-eight feet for a horizontal plan and on a scale not less than one inch for ten feet for a vertical section, and, in the case of a sewer, showing the depth of such sewer below the surface of the ground: such plans sections and estimate shall be deposited in the office of the urban authority, and shall be open at all reasonable hours for the inspection of all persons interested therein during the time specified in such notice; and a reference to such plans and sections in such notice shall be sufficient without requiring any copy of such plans and sections to be annexed to such notice.

If such notice is not complied with, the urban authority may, if they think fit, execute the works mentioned or referred to therein; and may recover in a summary manner the expenses incurred by them in so doing from the owners in default, according to the frontage of their respective premises, and in such proportion as is settled by the surveyor of the urban authority, or (in case of dispute) by arbitration in manner provided by this Act; or the urban authority may by order declare the expenses so incurred to be private improvement expenses.

The same proceedings may be taken, and the same powers may be exercised, in respect of any street or road of which a part is or may be a public footpath or repairable by the inhabitants at large as fully as if the whole of such street or road was a highway not repairable by the inhabitants at large.

Exemption from expenses under last section of incumbent of church, &c.

151. The incumbent or minister of any church chapel or place appropriated to public religious worship, which is now by law exempt from rates for the relief of the poor, shall not be liable to any expenses under the last preceding section, as the owner or occupier of such church chapel or place or of any churchyard or burial ground attached thereto, nor shall any such expenses be deemed to be a charge on such church chapel or other place, or on such churchyard or burial ground, or to subject the same to distress execution or other legal process; and the urban authority may, if they think fit, undertake any works from the expenses of which any such incumbent or minister is hereby exempted.

Power to declare private streets when sewered, &c. to be highways.

152. When any street within any urban district not being a highway repairable by the inhabitants at large has been sewered levelled paved flagged metalled channelled and made good and provided with proper means of lighting to the satisfaction of the urban authority, such authority may, if they think fit, by notice in writing put up in any part of the street, declare the same to be a highway, and thereupon the same shall become a highway repairable by the inhabitants at large; and every such notice shall be entered among the proceedings of the urban authority.

Provided that no such street shall become a highway so repairable, if within one month after such notice has been put up the proprietor or the majority in number of proprietors of such street, by notice in writing to the urban authority, object thereto, and in ascertaining such majority joint proprietors shall be reckoned as one proprietor.

Power to require gas and water pipes to be moved.

153. Where for any purpose of this Act any urban authority deem it necessary to raise sink or otherwise alter the situation of any water or gas pipes mains plugs or other waterworks or gasworks laid in or under any street, they may by notice in writing require the owner of the pipes mains plugs or works to raise sink or otherwise alter the situation of the same in such manner and within such reasonable time as is specified in the notice; the expenses of or connected with any such alteration shall be paid by the urban authority; and if such notice is not complied with the urban authority may themselves make the alteration required:

Provided—

That no such alteration shall be required or made which will permanently injure any such pipes mains plugs or works or prevent the water or gas from flowing as freely and conveniently as usual; and

That where under any local Act of Parliament the expenses of or connected with the raising sinking or otherwise altering the situation of any water or gas pipes mains plugs or other waterworks or gasworks, are directed to be borne by the owner of such pipes or works, his liability in that respect shall continue in the same manner and under the same conditions in all respects as if this Act had not been passed.

Power to purchase premises for improvement of streets.

154. Any urban authority may purchase any premises for the purpose of widening opening enlarging or otherwise improving any street, or (with the sanction of the Local Government Board) for the purpose of making any new street.

Power to regulate line of buildings.

155. When any house or building situated in any street in an urban district, or the front thereof, has been taken down, in order to be rebuilt or altered, the urban authority may prescribe the line in which any house or building, or the front thereof, to be built or rebuilt in the same situation shall be erected, and such house or building, or the front thereof, shall be erected in accordance therewith.

The urban authority shall pay or tender compensation to the owner or other person immediately interested in such house or building for any loss or damage he may sustain in consequence of his house or building being set back or forward, the amount of such compensation, in case of dispute, to be settled by arbitration in manner provided by this Act.

Buildings not to be brought forward.

156. It shall not be lawful in any urban district, without the written consent of the urban authority, to bring forward

any house or building forming part of any street, or any part thereof, beyond the front wall of the house or building on either side thereof, nor to build any addition thereto beyond the front of the house or building on either side of the same.

Any person offending against this enactment shall be liable to a penalty not exceeding forty shillings for every day during which the offence is continued after written notice in this behalf from the urban authority.

Power to make byelaws respecting new buildings, &c.

157. Every urban authority may make byelaws with respect to the following matters; (that is to say,)

(1.) With respect to the level width and construction of new streets, and the provisions for the sewerage thereof:

(2.) With respect to the structure of walls foundations roofs and chimneys of new buildings for securing stability and the prevention of fires, and for purposes of health:

(3.) With respect to the sufficiency of the space about buildings to secure a free circulation of air, and with respect to the ventilation of buildings:

(4.) With respect to the drainage of buildings, to waterclosets earthclosets privies ashpits and cesspools in connexion with buildings, and to the closing of buildings or parts of buildings unfit for human habitation, and to prohibition of their use for such habitation:

And they may further provide for the observance of such byelaws by enacting therein such provisions as they think necessary as to the giving of notices, as to the deposit of plans and sections by persons intending to lay out streets or to construct buildings, as to inspection by the urban authority, and as to the power of such authority (subject to the provisions of this Act) to remove alter or pull down any work begun or done in contravention of such byelaws: Provided that no byelaw made under this section shall affect any building erected in any place (which at the time of the passing of this Act is included in an urban sanitary district) before the Local Government Acts came into force in such place, or any building erected in any place (which at the time of the passing of this Act is not included in an urban sanitary district) before such place becomes constituted or included in an urban district, or by virtue of any order of the Local Government Board subject to this enactment.

The provisions of this section and of the two last preceding sections shall not apply to buildings belonging to any railway company and used for the purposes of such railway under any Act of Parliament.

As to commencement of works and removal of works made contrary to byelaws.

158. Where a notice plan or description of any work is required by any byelaw made by an urban authority to be laid before that authority, the urban authority shall, within one month after the same has been delivered or sent to their surveyor or clerk, signify in writing their approval or disap-

proval of the intended work to the person proposing to execute the same; and if the work is commenced after such notice of disapproval, or before the expiration of such month without such approval, and is in any respect not in conformity with any byelaw of the urban authority, the urban authority may cause so much of the work as has been executed to be pulled down or removed.

Where an urban authority incur expenses in or about the removal of any work executed contrary to any byelaw, such authority may recover in a summary manner the amount of such expenses either from the person executing the works removed or from the person causing the works to be executed, at their discretion.

Where an urban authority may under this section pull down or remove any work begun or executed in contravention of any byelaw, or where the beginning or the execution of the work is an offence in respect whereof the offender is liable in respect of any byelaw to a penalty, the existence of the work during its continuance in such a form and state as to be in contravention of the byelaw shall be deemed to be a continuing offence, but a penalty shall not be incurred in respect thereof after the expiration of one year from the day when the offence was committed or the byelaw was broken.

What to be deemed a new building.

159. For the purposes of this Act the re-erecting of any building pulled down to or below the ground floor, or of any frame building of which only the framework is left down to the ground floor, or the conversion into a dwelling-house of any building not originally constructed for human habitation, or the conversion into more than one dwelling-house of a building originally constructed as one dwelling-house only, shall be considered the erection of a new building.

Incorporation of certain provisions of 10 & 11 Vict. c. 34

160. The provisions of the Towns Improvement Clauses Act, 1847, with respect to the following matters; that is to say,

(1.) With respect to naming the streets and numbering the houses; and

(2.) With respect to improving the line of the streets and removing obstructions; and

(3.) With respect to ruinous or dangerous buildings; and

(4.) With respect to precautions during the construction and repair of the sewers streets and houses,

shall, for the purpose of regulating such matters in urban districts, be incorporated with this Act.

Notices for alterations under the sixty ninth, seventieth, and seventy-first sections, directions under the seventy-third section, and orders under the seventy-fourth section of the said Towns Improvement Clauses Act, may, at the option of the urban authority, be served on owners instead of occupiers, or on owners as well as occupiers, and the cost of works done

under any of these sections may, when notices have been so served on owners, be recovered from owners instead of occupiers; and when such cost is recovered from occupiers so much thereof may be deducted from the rent of the premises where the work is done as is allowed in the case of private improvement rates under this Act.

Lighting Streets, &c.

Powers of urban authority for lighting their district. 12 & 13 Vict. c 94. s. 8.

161. Any urban authority may contract with any person for the supply of gas, or other means of lighting the streets markets and public buildings in their district, and may provide such lamps lamp posts and other materials and apparatus as they may think necessary for lighting the same.

Where there is not any company or person (other than the urban authority) authorised by or in pursuance of any Act of Parliament, or any order confirmed by Parliament, to supply gas for public and private purposes, supplying gas within any part of the district of such authority, such authority may themselves undertake to supply gas for such purposes or any of them throughout the whole or any part of their district; and if there is any such company or person so supplying gas, but the limits of supply of such company or person include part only of the district, then the urban authority may themselves undertake to supply gas throughout any part of the district not included within such limits of supply.

Where an urban authority may under this Act themselves undertake to supply gas for the whole or any part of their district, a provisional order authorising a gas undertaking may be obtained by such authority under and subject to the provisions of the Gas and Water Works Facilities Act, 1870, and any Act amending the same; and in the construction of the said Act the term "the undertakers" shall be deemed to include any such urban authority: Provided that for the purposes of this Act the Local Government Board shall throughout the said Act be deemed to be substituted for the Board of Trade.

Power for sale of undertaking of gas company to urban authority.

162. For the purpose of supplying gas within their district or any part thereof either for public or private purposes any urban authority may (with the sanction of the Local Government Board) buy, and the directors of any gas company, in pursuance, in the case of a company registered under the Companies Act, 1862, of a special resolution of the members passed in manner provided by that Act, and in the case of any other company, of a resolution passed by a majority of three fourths in number and value of the members present, either personally or by proxy, at a meeting specially convened with notice of the business to be transacted, may sell and transfer to such authority, on such terms as may be agreed on between such authority and the company, all the rights

powers and privileges and all or any of the lands premises works and other property of the company, but subject to all liabilities attached to the same at the time of such purchase.

163. Where in any place which after the passing of his Act becomes constituted or included in an urban district, or which by virtue of any order of the Local Government Board becomes subject to this enactment, the Act passed in the fourth year of the reign of King William the Fourth, intituled "An Act to repeal an Act of the eleventh year of His late "Majesty King George the Fourth, for the lighting and watch-"ing of parishes in England and Wales, and to make other "provisions in lieu thereof," has been adopted, the said Act shall be superseded by this Act, and all lamps lamp posts gas pipes fire engines hose and other property vested in the inspectors for the time being under the said Act shall vest in the authority having under this Act jurisdiction in such place.

Watching and Lighting Act (3 & 4 W. 4. c. 90.) to be superseded by this Act.

PUBLIC PLEASURE GROUNDS, &c.

164. Any urban authority may purchase or take on lease lay out plant improve and maintain lands for the purpose of being used as public walks or pleasure grounds, and may support or contribute to the support of public walks or pleasure grounds provided by any person whomsoever.

Urban authority may provide places of public recreation.

Any urban authority may make byelaws for the regulation of any such public walk or pleasure ground, and may by such byelaws provide for the removal from such public walk or pleasure ground of any person infringing any such byelaw by any officer of the urban authority or constable.

165. Any urban authority may from time to time provide such clocks as they consider necessary, and cause them to be fixed on or against any public building, or, with the consent of the owner or occupier, on or against any private building the situation of which may be convenient for that purpose, and may cause the dials thereof to be lighted at night, and may from time to time alter and remove any such clocks to such other like situation as they may consider expedient.

Urban authority may provide public clocks.

MARKETS AND SLAUGHTER-HOUSES.

166. Where an urban authority are a local board or improvement commissioners they shall have power, with the consent of the owners and ratepayers of their district, expressed by resolution passed in manner provided by schedule III. to this Act, and where the urban authority are a town council they shall have power, with the consent of two thirds of their number, to do the following things, or any of them, within their district:

Urban authority may provide markets.

To provide a market place, and construct a market house and other conveniences, for the purpose of holding markets:

To provide houses and places for weighing carts:
To make convenient approaches to such market:
To provide all such matters and things as may be necessary for the convenient use of such market:
To purchase or take on lease land, and public or private rights in markets and tolls for any of the foregoing purposes:
To take stallages rents and tolls in respect of the use by any person of such market:

But no market shall be established in pursuance of this section so as to interfere with any rights powers or privileges enjoyed within the district by any person without his consent.

Incorporation of provisions of 10 & 11 Vict. c. 14. as to markets.

167. For the purpose of enabling any urban authority to establish or to regulate markets, there shall be incorporated with this Act the provisions of the Markets and Fairs Clauses Act, 1847, in so far as the same relate to markets; that is to say,

With respect to the holding of the market or fair, and the protection thereof; and
With respect to the weighing goods and carts; and
With respect to the stallages rents and tolls:

Provided that all tolls leviable by an urban authority in pursuance of this section shall be approved by the Local Government Board.

An urban authority may with respect to any market belonging to them make byelaws for any of the purposes mentioned in section forty-two of the Markets and Fairs Clauses Act, 1847, so far as those purposes relate to markets, and printed copies of any byelaws so made shall be conspicuously exhibited in the market.

Power for sale of undertaking of market company to urban authority.

168. Any urban authority may purchase, and the directors of any market company, in pursuance, in the case of a company registered under the Companies Act, 1862, of a special resolution of the members passed in manner provided by that Act, and in the case of any other company, of a resolution passed by a majority of three fourths in number and value of the members present, either personally or by proxy, at a meeting specially convened with notice of the business to be transacted, may sell and transfer to any urban authority, on such terms as may be agreed on between the company and the urban authority, all the rights powers and privileges and all or any of the markets premises and things which at the time of such purchase are the property of the company, but subject to all liabilities attached to the same at the time of such purchase.

Power to provide slaughter-houses

169. Any urban authority may, if they think fit, provide slaughter-houses, and they shall make byelaws with respect to the management and charges for the use of any slaughter-houses so provided.

For the purpose of enabling any urban authority to regulate slaughter-houses within their district the provisions of the Towns Improvement Clauses Act, 1847, with respect to slaughter-houses shall be incorporated with this Act.

Nothing in this section shall prejudice or affect any rights powers or privileges of any persons incorporated by any local Act passed before the passing of the Public Health Act, 1848, for the purpose of making and maintaining slaughter-houses.

Notice to be affixed on slaughter-houses.

170. The owner or occupier of any slaughter-house licensed or registered under this Act shall, within one month after the licensing or registration of the premises, affix, and shall keep undefaced and legible on some conspicuous place on the premises, a notice with the words "Licensed slaughter-house," or "Registered slaughter-house," as the case may be.

Any person who makes default in this respect, or who neglects or refuses to affix or renew such notice after requisition in writing from the urban authority, shall be liable to a penalty not exceeding five pounds for every such offence, and of ten shillings for every day during which such offence continues after conviction.

POLICE REGULATIONS.

Incorporation of certain provisions of 10 & 11 Vict. c. 89.

171. The provisions of the Towns Police Clauses Act, 1847, with respect to the following matters, (namely,)

(1.) With respect to obstructions and nuisances in the streets; and

(2.) With respect to fires; and

(3.) With respect to places of public resort; and

(4.) With respect to hackney carriages; and

(5.) With respect to public bathing;

shall, for the purpose of regulating such matters in urban districts, be incorporated with this Act.

The expression in the provisions so incorporated "the "superintendent constable," and the expression "any constable "or other officer appointed by virtue of this or the special "Act," shall, for the purposes of this Act, respectively include any superintendent of police, and any constable or officer of police acting for or in the district of any urban authority; and the expression "within the prescribed distance" shall for the purposes of this Act mean within any urban district.

Notwithstanding anything in the provisions so incorporated, a license granted to the driver of any hackney carriage in pursuance thereof shall be in force for one year only from the date of the license, or until the next general licensing meeting where a day for such meeting is appointed.

Urban authority may make byelaws for licensing horses, boats, &c. for hire.

172. Any urban authority may license the proprietors drivers and conductors of horses ponies mules or asses standing for hire within the district in like manner and with the like incidents and consequences as in the case of proprietors and drivers

of hackney carriages, and may make byelaws for regulating stands and fixing rates of hire, and as to the qualification of such drivers and conductors, and for securing their good and orderly conduct while in charge

Any urban authority may also license the proprietors of pleasure boats and vessels, and the boatmen or other persons in charge thereof, and may make byelaws for regulating the numbering and naming of such boats and vessels, and the number of persons to be carried therein, and the mooring places for the same, and for fixing rates of hire, and the qualification of such boatmen or other persons in charge, and for securing their good and orderly conduct while in charge

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PART V

GENERAL PROVISIONS

CONTRACTS.

Power of local authorities to contract.

173. Any local authority may enter into any contracts necessary for carrying this Act into execution

Provisions to contracts by urban authority.

174. With respect to contracts made by an urban authority under this Act, the following regulations shall be observed; (namely,)

(1.) Every contract made by an urban authority whereof the value or amount exceeds fifty pounds shall be in writing and sealed with the common seal of such authority:

(2) Every such contract shall specify the work materials matters or things to be furnished had or done, the price to be paid, and the time or times within which the contract is to be performed, and shall specify some pecuniary penalty to be paid in case the terms of the contract are not duly performed.

(3.) Before contracting for the execution of any works under the provisions of this Act, an urban authority shall obtain from their surveyor an estimate in writing, as well of the probable expense of executing the work in a substantial manner as of the annual expense of repairing the same; also a report as to the most advantageous mode of contracting, that is to say, whether by contracting only for the execution of the work, or for executing and also maintaining the same in repair during a term of years or otherwise:

(4) Before any contract of the value or amount of one hundred pounds or upwards is entered into by an urban authority ten days public notice at the least shall be given, expressing the nature and purpose thereof and inviting tenders for the execution of the

same; and such authority shall require and take sufficient security for the due performance of the same:

(5.) Every contract entered into by an urban authority in conformity with the provisions of this section, and duly executed by the other parties thereto, shall be binding on the authority by whom the same is executed and their successors and on all other parties thereto and their executors administrators successors or assigns to all intents and purposes: Provided that an urban authority may compound with any contractor or other person in respect of any penalty incurred by reason of the non-performance of any contract entered into as aforesaid, whether such penalty is mentioned in any such contract, or in any bond or otherwise, for such sums of money or other recompense as to such authority may seem proper.

PURCHASE OF LANDS.

Power to purchase lands.

175. Any local authority may for the purposes and subject to the provisions of this Act purchase or take on lease sell or exchange any lands, whether situated within or without their district; they may also buy up any water-mill dam or weir which interferes with the proper drainage of or the supply of water to their district.

Any lands acquired by a local authority in pursuance of any powers in this Act contained and not required for the purpose for which they were acquired shall (unless the Local Government Board otherwise direct) be sold at the best price that can be gotten for the same, and the proceeds of such sale shall be applied towards discharge, by means of a sinking fund or otherwise, of any principal moneys which have been borrowed by such authority on the security of the fund or rate applicable by them for the general purposes of this Act, or if no such principal moneys are outstanding shall be carried to the account of such fund or rate.

Regulations as to purchase of land.

176. With respect to the purchase of lands by a local authority for the purposes of this Act, the following regulations shall be observed; (that is to say,)

(1.) The Lands Clauses Consolidation Acts, 1845, 1860, and 1869, shall be incorporated with this Act, except the provisions relating to access to the special Act, and except section one hundred and twenty-seven of the Lands Clauses Consolidation Act, 1845:

(2.) The local authority, before putting in force any of the powers of the said Lands Clauses Consolidation Acts with respect to the purchase and taking of lands otherwise than by agreement, shall

Publish once at the least in each of three consecutive weeks in the month of November, in some local newspaper circulated in their district, an advertisement describing shortly the nature of the undertaking in respect of which the lands are proposed to be taken, naming a place where a plan of the proposed undertaking may be seen at all reasonable hours, and stating the quantity of lands that they require; and shall further

Serve a notice in the month of December on every owner or reputed owner, lessee or reputed lessee and occupier of such lands, defining in each case the particular lands intended to be taken, and requiring an answer stating whether the person so served assents, dissents, or is neuter in respect of taking such lands:

(3.) On compliance with the provisions of this section with respect to advertisements and notices, the local authority may, if they think fit, present a petition under their seal to the Local Government Board. The petition shall state the lands intended to be taken, and the purposes for which they are required, and the names of the owners lessees and occupiers of lands who have assented dissented or are neuter in respect of the taking such lands, or who have returned no answer to the notice; it shall pray that the local authority may, with reference to such lands, be allowed to put in force the powers of the said Lands Clauses Consolidation Acts with respect to the purchase and taking of lands otherwise than by agreement, and such prayer shall be supported by such evidence as the Local Government Board requires:

(4.) On the receipt of such petition and on due proof of the proper advertisements having been published and notices served the Local Government Board shall take such petition into consideration, and may either dismiss the same, or direct a local inquiry as to the propriety of assenting to the prayer of such petition; but until such inquiry has been made no provisional order shall be made affecting any lands without the consent of the owners lessees and occupiers thereof:

(5.) After the completion of such inquiry the Local Government Board may, by provisional order, empower the local authority to put in force, with reference to the lands referred to in such order, the powers of the said Lands Clauses Consolidation Acts with respect to the purchase and taking of lands otherwise than by agreement, or any of them, and either absolutely

or with such conditions and modifications as the Board may think fit, and it shall be the duty of the local authority to serve a copy of any order so made in the manner and on the person in which and on whom notices in respect of such lands are required to be served:

Provided that the notices by this section required to be given in the months of November and December may be given in the months of September and October or of October and November, but in either of such last-mentioned cases an inquiry preliminary to the provisional order to which such notices refer shall not be held until the expiration of one month from the last day of the second of the two months in which the notices are given; and any notices or orders by this section required to be served on a number of persons having any right in over or on lands in common may be served on any three or more of such persons on behalf of all such persons.

Power to let lands.

177. Any local authority may, with the consent of the Local Government Board, let for any term any lands which they may possess, as and when they can conveniently spare the same.

Provision for lands belonging to the Duchy of Lancaster.

178. The Chancellor and Council of the Duchy of Lancaster for the time being may, if they think fit, (but subject and without prejudice to the rights of any lessee tenant or occupier,) from time to time contract with any local authority for the sale of, and may (subject as aforesaid) absolutely sell and dispose of, for such sum as to the said Chancellor and Council may appear sufficient consideration, the whole or any part of any lands belonging to Her Majesty her heirs or successors in right of the said duchy, or any right interest or easement in through over or on any such lands which for the purposes of this Act such local authority from time to time deem it expedient to purchase; and on payment of the purchase money, as provided by the Duchy of Lancaster Lands Act, 1855, the said Chancellor and Council may grant and assure to the said authority, under the seal of the said duchy, in the name of Her Majesty her heirs or successors the subject of such contract or sale, and such money shall be dealt with as if such subject had been sold under the authority of the Duchy of Lancaster Lands Act, 1855.

ARBITRATION.

Mode of reference to arbitration.

179. In case of dispute as to the amount of any compensation to be made under the provisions of this Act (except where the mode of determining the same is specially provided for), and in case of any matter which by this Act is authorised or directed to be settled by arbitration, then, unless both parties concur in the appointment of a single arbitrator, each party shall appoint an arbitrator to whom the matter shall be referred.

Regulations as to arbitration.

180. With respect to arbitrations under this Act, the following regulations shall be observed; (that is to say,)

(1.) Every appointment of an arbitrator under this Act when made on behalf of the local authority shall be under their common seal, and on behalf of any other party under his hand, or if such party be a corporation aggregate under their common seal:

(2.) Every such appointment shall be delivered to the arbitrators, and shall be deemed a submission to arbitration by the parties making the same:

(3.) After the making of any such appointment the same shall not be revoked without the consent of both parties, nor shall the death of either party operate as a revocation:

(4.) If for the space of fourteen days after any matter by this Act authorised or directed to be settled by arbitration has arisen, and notice in writing by one party who has duly appointed an arbitrator has been given to the other party, stating the matter to be referred, and accompanied by a copy of such appointment, the party to whom notice is given fails to appoint an arbitrator, the arbitrator appointed by the party giving the notice shall be deemed to be appointed by and shall act on behalf of both parties:

(5.) If before the determination of any matter so referred any arbitrator dies or refuses or becomes incapable to act, the party by whom such arbitrator was appointed may appoint in writing another person in his stead; and if such party fails so to do for the space of seven days after notice in writing from the other party in that behalf, the remaining arbitrator may proceed ex parte; and every arbitrator so appointed shall have the same powers and authorities as were vested in the arbitrator in whose stead the appointment is made:

(6.) If a single arbitrator dies or becomes incapable to act before the making of his award, or fails to make his award within twenty-one days after his appointment, or within such extended time, if any, as may have been duly appointed by him for that purpose, the matters referred to him shall be again referred to arbitration under the provisions of this Act, as if no former reference had been made:

(7.) Where there is more than one arbitrator, the arbitrators shall, before they enter on the reference, appoint by writing under their hands an umpire, and if the person appointed to be umpire dies or becomes incapable to act, the arbitrators shall forthwith appoint another person in his stead; and if the arbitrators neglect or refuse to appoint an umpire

for seven days after being requested so to do by any party to the arbitration, the Local Government Board shall, on the application of any such party, appoint an umpire:

(8.) If the arbitrators fail to make their award within twenty-one days after the day on which the last of them was appointed, or within such extended time (if any) as may have been duly appointed by them for that purpose, the matters referred shall be determined by the umpire:

(9.) The time for making an award by arbitrators under this Act shall not in any case be extended beyond the period of two months from the date of the submission, and the time for making an award by an umpire under this Act shall not in any case be extended beyond the period of two months from the date of the reference of the matters to him:

(10.) Before any arbitrator or umpire enters on a reference under this Act he shall make and subscribe the following declaration before a justice of the peace; (that is to say,)

'I *A.B.* do solemnly and sincerely declare that I will faithfully and honestly, and to the best of my skill and ability, hear and determine the matters referred to me under the Public Health Act, 1875.

A.B.'

(11.) Such declaration shall be annexed to the award when made; and any arbitrator or umpire who wilfully acts contrary to such declaration shall be guilty of a misdemeanour:

(12.) Any arbitrator arbitrators or umpire appointed by virtue of this Act may require the production of such documents in the possession or power of either party as they or he may think necessary for determining the matters referred, and may examine the parties or their witnesses on oath:

(13.) The costs of and consequent upon the reference shall be in the discretion of the arbitrator or arbitrators, or (in case the matters referred are determined by an umpire) of the umpire:

(14.) Any submission to arbitration under the provisions of this Act may be made a rule of any of the superior courts, on the application of any party thereto:

(15.) The award of arbitrators or of an umpire under this Act shall be final and binding on all parties to the reference.

181. All questions referable to arbitration under this Act may, when the amount in dispute is less than twenty pounds, Claims under twenty pounds

may be referred to court of summary jurisdiction.

be determined at the option of either party before a court of summary jurisdiction, but the court may, if it thinks fit, require that any work in respect of which the claim of the local authority is made and the particulars of the claim be reported on to them by any competent surveyor, not being the surveyor of the local authority; and the court may determine the amount of costs incurred in that behalf, and by whom such costs or any part of them shall be paid

BYELAWS.

Authentication and alteration of byelaws.

182. All byelaws made by a local authority under and for the purposes of this Act shall be under their common seal; and any such byelaw may be altered or repealed by a subsequent byelaw made pursuant to the provisions of this Act: Provided that no byelaw made under this Act by a local authority shall be of any effect if repugnant to the laws of England or to the provisions of this Act.

Power to impose penalties on breach of byelaws.

183. Any local authority may, by any byelaws made by them under this Act, impose on offenders against the same such reasonable penalties as they think fit, not exceeding the sum of five pounds for each offence, and in the case of a continuing offence a further penalty not exceeding forty shillings for each day after written notice of the offence from the local authority; but all such byelaws imposing any penalty shall be so framed as to allow of the recovery of any sum less than the full amount of the penalty.

Nothing in the provisions of any Act incorporated herewith shall authorise the imposition or recovery under any byelaws made in pursuance of such provisions of any greater penalty than the penalties in this section specified.

Confirmation of byelaws.

184. Byelaws made by a local authority under this Act shall not take effect unless and until they have been submitted to and confirmed by the Local Government Board, which Board is hereby empowered to allow or disallow the same as it may think proper; nor shall any such byelaws be confirmed—

Unless notice of intention to apply for confirmation of the same has been given in one or more of the local newspapers circulated within the district to which such byelaws relate, one month at least before the making of such application; and

Unless for one month at least before any such application a copy of the proposed byelaws has been kept at the office of the local authority, and has been open during office hours thereat to the inspection of the ratepayers of the district to which such byelaws relate, without fee or reward

The clerk of the local authority shall, on the application of any such ratepayer, furnish him with a copy of such proposed

byelaws or any part thereof, on payment of sixpence for every hundred words contained in such copy.

A byelaw required to be confirmed by the Local Government Board shall not require confirmation allowance or approval by any other authority.

185. All byelaws made by a local authority under this Act, or for purposes the same as or similar to those of this Act under any local Act, shall be printed and hung up in the office of such authority; and a copy thereof shall be delivered to any ratepayer of the district to which such byelaws relate, on his application for the same; a copy of any byelaws made by a rural authority shall also be transmitted to the overseers of every parish to which such byelaws relate, to be deposited with the public documents of the parish, and to be open to the inspection of any ratepayer of the parish at all reasonable hours. Byelaws to be printed, &c.

186. A copy of any byelaws made under this Act by a local authority (not being the council of a borough), signed and certified by the clerk of such authority to be a true copy and to have been duly confirmed, shall be evidence until the contrary is proved in all legal proceedings of the due making confirmation and existence of such byelaws without further or other proof. Evidence of byelaws.

187. Byelaws made by the council of any borough under the provisions of section ninety of the Act of the sixth year of King William the Fourth, chapter seventy-six, for the prevention and suppression of certain nuisances, shall not be required to be sent to a Secretary of State, nor shall they be subject to the disallowance in that section mentioned; but all the provisions of this Act relating to byelaws shall apply to the byelaws so made as if they were made under this Act. Byelaws made under s 90 of 5 & 6 W. 4. c. 76. to be submitted to Local Government Board.

188. The provisions of this Act relating to byelaws shall not apply to any regulations which a local authority is by this Act authorised to make; nevertheless, any local authority may cause any regulations made by them under this Act to be published in such manner as they see fit. As to regulations of local authority.

OFFICERS AND CONDUCT OF BUSINESS OF LOCAL AUTHORITIES.

Officers of Local Authorities.

189. Every urban authority shall from time to time appoint fit and proper persons to be medical officer of health, surveyor, inspector of nuisances, clerk, and treasurer: Provided that if any such authority is empowered by any other Act in force within their district to appoint any such officer, this enactment shall be deemed to be satisfied by the employment under this Act of the officer so appointed, with such Appointment of officers of urban authority.

additional remuneration as they think fit, and no second appointment shall be made under this Act. Every urban authority shall also appoint or employ such assistants collectors and other officers and servants as may be necessary and proper for the efficient execution of this Act, and may make regulations with respect to the duties and conduct of the officers and servants so appointed or employed.

Subject, in the case of officers any portion of whose salary is paid out of moneys voted by Parliament, to the powers of the Local Government Board under this Act, the urban authority may pay to the officers and servants so appointed or employed such reasonable salaries wages or allowances as the urban authority may think proper; and, subject as aforesaid, every such officer and servant appointed under this Act shall be removable by the urban authority at their pleasure.

Appointment of officers of rural authority.

190. Every rural authority shall from time to time appoint fit and proper persons to be medical officer or officers of health, and inspector or inspectors of nuisances; they shall also appoint such assistants and other officers and servants as may be necessary and proper for the efficient execution of this Act.

There may be awarded to the clerk and treasurer of the guardians of any union, in respect of the additional duties of such officers under this Act, such remuneration as the rural authority may, with the approval of the Local Government Board, determine. If the clerk of the union is unable or unwilling to undertake such additional duties the assistant clerk of the union shall be appointed to discharge the same, with such remuneration as aforesaid.

As to medical officer of health, &c.

191. A person shall not be appointed medical officer of health under this Act unless he is a legally qualified medical practitioner; and the Local Government Board shall have the same powers as it has in the case of a district medical officer of a union with regard to the qualification appointment duties salary and tenure of office of a medical officer of health or other officer of a local authority any portion of whose salary is paid out of moneys voted by Parliament, and may by order prescribe the qualification and duties of other medical officers of health appointed under this Act.

The same person may, with the sanction of the Local Government Board, be appointed medical officer of health or inspector of nuisances for two or more districts, by the local authorities of such districts; and the Local Government Board shall by order prescribe the mode of such appointment, and the proportions in which the expenses of such appointment and the salary and charges of such officer shall be borne by such authorities.

Any district medical officer of a union may, with the sanction of the Local Government Board and subject to such conditions as the said Board may prescribe, be appointed a

medical officer of health; and a medical officer of health may exercise any of the powers with which an inspector of nuisances is invested by this Act.

In case of illness or incapacity of the medical officer of health a local authority may appoint and pay a deputy medical officer, subject to the approval of the Local Government Board.

192. The same person may be both surveyor and inspector of nuisances; but neither the person holding the office of treasurer, nor his partner, nor any person in the service or employ of them or either of them, shall be eligible to hold or shall in any manner assist or officiate in the office of clerk; and neither the person holding the office of clerk, nor his partner, nor any person in the service or employ of them or either of them, shall be eligible to hold or shall in any manner assist or officiate in the office of treasurer. Offices tenable by same persons.

Any person offending against this enactment shall forfeit and pay the sum of one hundred pounds, which may be recovered by any person, with full costs of suit, by action of debt.

193. Officers or servants appointed or employed under this Act by the local authority shall not in anywise be concerned or interested in any bargain or contract made with such authority for any of the purposes of this Act. Officers not to contract with local authority.

If any such officer or servant is so concerned or interested, or, under colour of his office or employment, exacts or accepts any fee or reward whatsoever other than his proper salary wages and allowances, he shall be incapable of afterwards holding or continuing in any office or employment under this Act, and shall forfeit and pay the sum of fifty pounds, which may be recovered by any person, with full costs of suit, by action of debt.

194. Before any officer or servant of a local authority enters on any office or employment under this Act by reason whereof he will or may be intrusted with the custody or control of money, the local authority by whom he is appointed shall take from him sufficient security for the faithful execution of such office or employment, and for duly accounting for all moneys which may be intrusted to him by reason thereof. Officers intrusted with money to give security.

195. Every officer and servant appointed or employed under this Act by a local authority shall, when and in such manner as may be required by such authority, make out and deliver to them a true and perfect account in writing of all moneys received by him for the purposes of this Act, stating how, and to whom, and for what purpose such moneys have been disposed of, and shall, together with such account, deliver the vouchers or receipts for all payments made by him, and Officers to account.

pay over to the treasurer all moneys owing by him on the balance of accounts.

And every such officer or servant, employed in the collection of any rate made under this Act shall, within seven days after he has received any moneys on account of any such rate, pay over the same to the treasurer, and shall, as and when the local authority may direct, deliver a list signed by him and containing the names of all persons who have neglected or refused to pay any such rate, and the sums respectively due from them.

Summary proceedings against defaulting officers.

196. If any officer or servant appointed or employed under this Act by a local authority—

Fails to render accounts, or to produce and deliver up vouchers and receipts, or to pay over any moneys, as and when required by this Act, or

Fails within five days after written notice in that behalf from the local authority to deliver up to the local authority all books, papers, writings, property, and things in his possession or power, relating to the execution of this Act, or belonging to such authority,

the local authority may complain to any justice, and such justice shall thereupon summon the party charged to appear before a court of summary jurisdiction.

On the appearance of the party charged, or on proof that the summons was personally served on him, or left at his last known place of abode or business, if it appears to the court that he has failed to render any such accounts, or to pay over such moneys, or to produce and deliver up any such vouchers or receipts books papers writings property or things as aforesaid in accordance with the provisions of this Act, and that he still fails or refuses so to do, the court may commit the offender to gaol, there to remain without bail until he has rendered such accounts, paid over such moneys, and produced and delivered up all such vouchers receipts books papers writings property and things in respect of which the charge was made: Provided that a person shall not be imprisoned under this section for a period exceeding six months.

No proceeding under this section shall be construed to relieve or discharge any surety of the offender from any liability whatever.

Mode of conducting Business.

Urban authority to provide offices.

197. Every urban authority shall from time to time provide and maintain such offices as may be necessary for transacting their business, and that of their officers and servants under this Act.

Proceedings, &c. of urban authority being the council of a borough.

198. Where an urban authority are the council of a borough, they shall, subject to the provisions of this Act, exercise and execute their powers authorities and duties under this Act

according to the laws for the time being in force with respect to municipal corporations in England.

199. Every urban authority (not being the council of a borough) shall hold an annual meeting, and other meetings for the transaction of business under this Act once at least in each month, and at such other times as may be necessary for properly executing their powers and duties under this Act.

Meetings, &c., of urban authority not being the council of a borough.

Meetings of local boards shall be held and the proceedings thereat shall be conducted in accordance with the rules as to meetings and proceedings contained in schedule I. to this Act; and any improvement commissioners may, if they think fit, adopt all or any of such rules.

200. Every urban authority may from time to time appoint out of their own number so many persons as they may think fit, for any purposes of this Act which in the opinion of such authority would be better regulated and managed by means of a committee: Provided that a committee so appointed shall in no case be authorised to borrow any money, to make any rate, or to enter into any contract, and shall be subject to any regulations and restrictions which may be imposed by the authority that formed it.

Power of urban authority to appoint committees.

201. A rural authority may, at any meeting specially convened for the purpose, delegate for the current year of their office all their powers to a committee consisting wholly of their own members, provided that one third at least of such committee shall consist of ex-officio guardians, but in case an adequate number of such ex-officio guardians does not exist, then the number deficient shall be made up of elected guardians; and any such committee shall have the powers by this Act vested in the rural authority by which it was formed, and shall be deemed to be during such year of office as aforesaid the rural authority of the district.

Power of rural authority to delegate their powers and duties to a committee.

202. A rural authority (including any committee so formed as aforesaid) may, at any meeting specially convened for the purpose, form for any contributory place within their district a parochial committee consisting wholly of members of such authority or committee, or partly of such members and partly of such other persons liable to contribute to the rate levied for the relief of the poor in such contributory place, and qualified in such other manner (if any) as the authority forming such parochial committee may determine.

Power of rural authority to form parochial committees.

A rural authority (including any committee so formed as aforesaid) may from time to time add to or diminish the number of the members, or otherwise alter the constitution of any parochial committee formed by it, or dissolve any parochial committee.

A parochial committee shall be subject to any regulations and restrictions which may be imposed by the authority which formed it: Provided that no jurisdiction shall be given to a

parochial committee beyond the limits of the contributory place for which it is formed, and that no powers shall be delegated to a parochial committee, except powers which the rural authority could exercise within such contributory place.

A parochial committee shall be deemed to be the agents of the authority which formed it, and the appointment of such committee shall not relieve that authority from any obligation imposed on it by Act of Parliament or otherwise.

A parochial committee may be empowered by the authority which formed it to incur expenses to an amount not exceeding such amount as may be prescribed by such authority; it shall report its expenditure to such authority as and when directed by such authority, and the amount so reported, if legally incurred, shall be discharged by such authority.

Casual vacancies in committees may be filled.

203. Any casual vacancy occurring by death resignation disqualification, or otherwise in any committee may be filled up within six weeks, by the authority which formed such committee, out of qualified persons.

Meetings and proceedings of committees.

204. Meetings of any committee appointed under this Act shall be held, and the proceedings thereat shall be conducted (so far as such meetings and proceedings are not regulated by the authority appointing the committee), in accordance with the rules as to meetings and proceedings contained in schedule I. to this Act.

Inspectors may attend meetings of certain authorities.

205. Inspectors of the Local Government Board may attend any meetings of a rural authority or of an urban authority (being a local board) when and as directed by the Local Government Board

The local authority of the district of Oxford shall not, for the purposes of this section, be deemed to be a local board.

Local authority to report.

206. Every local authority shall make an annual report, in such form and at such time as the Local Government Board may from time to time direct, of all works executed, and of all sums received and disbursements made by them under and for the purposes of this Act during the preceding year, and shall send a copy to the Local Government Board: An urban authority shall also publish a copy in some local newspaper circulating in their district.

PART VI.

RATING AND BORROWING POWERS, &c.

EXPENSES OF URBAN AUTHORITY AND URBAN RATES.

Mode of defraying expenses of urban authority.

207. All expenses incurred or payable by an urban authority in the execution of this Act, and not otherwise provided for, shall be charged on and defrayed out of the district fund

and general district rate leviable by them under this Act, subject to the following exceptions; (namely,)

That if in any district the expenses incurred by an urban authority (being the council of a borough) in the execution of the Sanitary Acts were at the time of the passing of this Act payable out of the borough fund or borough rate, then the expenses incurred by that authority in the execution of this Act shall be charged on and defrayed out of the borough fund or borough rate; and

That if in any district the expenses incurred by an urban authority (being improvement commissioners) in the execution of the Sanitary Acts were at the time of the passing of this Act payable out of any rate in the nature of a general district rate leviable by them as such commissioners throughout the whole of their district, then the expenses incurred by that authority in the execution of this Act shall be charged on and defrayed out of such rate; and for the purposes of this section the council of the borough of Folkestone shall be deemed to be improvement commissioners; and

That where at the time of the passing of this Act the expenses incurred by an urban authority in the execution of certain purposes of the Sanitary Acts were payable out of the borough fund and borough rate, and the expenses incurred by such authority in the execution of the other purposes of the said Acts were payable out of a rate or rates leviable by that authority throughout the whole of their district for paving sewering or other sanitary purposes, then the expenses incurred by that authority in the execution of the same or similar purposes respectively under this Act shall respectively be charged on and defrayed out of the borough fund and borough rate, and out of the rate or rates leviable as aforesaid.

Power in certain cases by provisional order to alter mode.

208. Where at the time of the passing of this Act the expenses incurred by an urban authority for sanitary purposes are payable otherwise than in the manner provided by the Local Government Acts, the Local Government Board may, on the application of such authority, or of any ten persons rated to the relief of the poor within the district, declare by provisional order that the expenses of such authority incurred in the execution of this Act shall be defrayed out of a district fund and general district rate to be levied by them under this Act, subject to the provisions of this Act with respect to the mode of defraying in certain cases the expenses of the repair of highways.

General District Rate.

District fund account.

209. In the district of every urban authority whose expenses under this Act are directed to be defrayed out of the district fund and general district rate there shall be continued or

established a fund called the district fund: a separate account called "the district fund account" of all moneys carried under this Act to the account of that fund shall be kept by the treasurer of the urban authority; and such moneys shall be applied by the urban authority in defraying such of the expenses chargeable thereon under this Act as they may think proper.

Making general district rate.

210. For the purpose of defraying any expenses chargeable on the district fund which that fund is insufficient to meet, the urban authority shall from time to time, as occasion may require, make by writing under their common seal, and levy in addition to any other rate leviable by them under this Act, a rate or rates to be called "general district rates."

Any such rate may be made and levied either prospectively in order to raise money for the payment of future charges and expenses, or retrospectively in order to raise money for the payment of charges and expenses incurred at any time within six months before the making of the rate: in calculating the period of six months during which the rate may be made retrospectively, the time during which any appeal or other proceeding relating to such rate is pending shall be excluded.

Public notice of intention to make any such rate, and of the time when it is intended to make the same, and of the place where a statement of the proposed rate is deposited for inspection, shall be given by the urban authority in the week immediately before the day on which the rate is intended to be made, and at least seven days previously thereto; but in case of proceedings to levy or recover any rate it shall not be necessary to prove that such notice was given.

Assessment, &c. of general district rate.

211. With respect to the assessment and levying of general district rates under this Act the following provisions shall have effect; (namely,)

(1.) General district rates shall be made and levied on the occupier of all kinds of property for the time being by law assessable to any rate for the relief of the poor, and shall be assessed on the full net annual value of such property, ascertained by the valuation list for the time being in force, or, if there is none, by the rate for the relief of the poor made next before the making of the assessment under this Act, subject to the following exceptions regulations and conditions; (namely,)

(*a.*) The owner, instead of the occupier, may at the option of the urban authority be rated in cases—

Where the rateable value of any premises liable to assessment under this Act does not exceed the sum of ten pounds; or

Where any premises so liable are let to weekly or monthly tenants; or

Where any premises so liable are let in separate apartments, or where the rents become payable or are collected at any shorter period than quarterly:

Provided that in cases where the owner is rated instead of the occupier he shall be assessed on such reduced estimate as the urban authority deem reasonable of the net annual value, not being less than two thirds nor more than four fifths of the net annual value; and where such reduced estimate is in respect of tenements whether occupied or unoccupied, then such assessment may be made on one half of the amount at which such tenements would be liable to be rated if the same were occupied and the rate were levied on the occupiers:

(*b.*) The owner of any tithes, or of any tithe commutation rentcharge, or the occupier of any land used as arable meadow or pasture ground only, or as woodlands market gardens or nursery grounds, and the occupier of any land covered with water, or used only as a canal or towing-path for the same, or as a railway constructed under the powers of any Act of Parliament for public conveyance, shall be assessed in respect of the same in the proportion of one fourth part only of such net annual value thereof:

(*c.*) If within any urban district or part of such district any kind of property is exempted from rating by any local Act in respect of all or any of the purposes for which general district rates may be made under this Act, the same kind of property shall, in respect of the same purposes, and to the same extent within the parts to which the exemption applies (but not further or otherwise), be exempt from assessment to any general district rates under this Act unless the Local Government Board by provisional order otherwise direct.

(2.) If at the time of making any general district rate any premises in respect of which the rate may be made are unoccupied, such premises shall be included in the rate, but the rate shall not be charged on any person in respect of the same while they continue to be unoccupied; and if any such premises are afterwards occupied during any part of the period for which the rate was made and before the same has been fully

paid, the name of the incoming tenant shall be inserted in the rate, and thereupon so much of the rate as at the commencement of his tenancy may be in proportion to the remainder of the said period shall be collected recovered and paid in the same manner in all respects as if the premises had been occupied at the time when the rate was made:

(3.) If any owner or occupier assessed or liable to any such rate ceases to be owner or occupier of the premises in respect whereof he is so assessed or liable, before the end of the period for which the rate was made, and before the same is fully paid off, he shall be liable to pay only such part of the rate as may be in proportion to the time during which he continues to be such owner or occupier; and in every such case if any person afterwards become owner or occupier of the premises during part of the said period, he shall pay such part of the rate as may be in proportion to the time during which he continues to be such owner or occupier, and the same shall be recovered from him in the same manner as if he had been originally assessed or liable:

(4.) The urban authority may divide their district or any street therein into parts for all or any of the purposes of this Act, and from time to time abolish or alter any such divisions, and may make a separate assessment on any such part for all or any of the purposes for which the same is formed; and every such part, so far as relates to the purposes in respect of which such separate assessment is made, shall be exempt from any other assessment under this Act: Provided that if any expenses are incurred or to be incurred in respect of two or more parts in common the same shall be apportioned between them in a fair and equitable manner.

Inspection of poor rate books for purposes of assessment.

212. For the purpose of assessing general district rates any person appointed by the urban authority may inspect take copies of or make extracts from, any valuation list or rate for the relief of the poor within the district, or any book relating to the same.

Any officer having the custody of any such rate or book who refuses to permit such inspection, or the taking of such copies or extract, shall be liable to a penalty not exceeding five pounds.

Private Improvement Rate.

Power to make private improvement rates.

213. Whenever an urban authority have incurred or become liable to any expenses which by this Act are or by such authority may be declared to be private improvement expenses, such authority may, if they think fit, make and

levy on the occupier of the premises in respect of which the expenses have been incurred, in addition to all other rates, a rate or rates to be called private improvement rates, of such amount as will be sufficient to discharge such expenses, together with interest thereon at a rate not exceeding five pounds per centum per annum, in such period not exceeding thirty years as the urban authority may in each case determine.

Provided that whenever any premises in respect of which any private improvement rate is made become unoccupied before the expiration of the period for which the rate was made, or before the same is fully paid off, such rate shall become a charge on and be paid by the owner for the time being of the premises so long as the same continue to be unoccupied.

Proportion of private improvement rate may be deducted from rent.

214. Where the occupier by whom any private improvement rate is paid holds the premises in respect of which the rate is made at a rent not less than the rackrent, he shall be entitled to deduct three fourths of the amount paid by him on account of such rate from the rent payable by him to his landlord, and if he hold at a rent less than the rackrent he shall be entitled to deduct from the rent so payable by him such proportion of three fourths of the rate as his rent bears to the rackrent; and if the landlord from whose rent any deduction is so made is himself liable to the payment of rent for the premises in respect of which the deduction is made, and holds the same for a term of which less than twenty years is unexpired (but not otherwise), he may deduct from the rent so payable by him such proportion of the sum deducted from the rent payable to him as the rent payable by him bears to the rent payable to him, and so in succession with respect to every landlord (holding for a term of which less than twenty years is unexpired) of the same premises both receiving and liable to pay rent in respect thereof.

Provided that nothing in this section shall be construed to entitle any person to deduct from the rent payable by him more than the whole sum deducted from the rent payable to him.

Redemption of private improvement rates.

215. At any time before the expiration of the period for which any private improvement rate is made, the owner or occupier of the premises assessed thereto may redeem the same, by paying to the urban authority the expenses in respect of which the rate was made, or such part thereof as may not have been defrayed by sums already levied in respect of the same:

Provided that money paid in redemption of any private improvement rate shall not be applied by the urban authority otherwise than in defraying expenses incurred by them in works of private improvement or in discharging the principal

of any moneys borrowed by them to meet those expenses, whether by means of a sinking fund or otherwise.

Highway Rate.

Costs of repairs of highways.

216. In any urban district where the expenses under this Act of the urban authority are charged on and defrayed out of the district fund and general district rates, and no other mode of providing for repair of highways is directed by any local Act, the cost of repair of highways shall be defrayed as follows; (that is to say,)

(1.) Where the whole of the district is rated for works of paving water supply and sewerage, or for works for such of these purposes as are provided for in the district, the cost of repair of highways shall be defrayed out of the general district rate:

(2.) Where parts of the district are not rated for works of paving water supply and sewerage, or for such of these purposes as are provided for in the district, the cost of repair of highways in those parts shall be defrayed out of a highway rate to be separately assessed and levied in those parts by the urban authority as surveyor of highways, and the cost of such repair in the residue of the district shall be defrayed out of the general district rate:

(3.) Where no public works of paving water supply and sewerage are established in the district, the cost of repair of highways in the district shall be defrayed out of a highway rate, to be levied throughout the whole district by the urban authority as surveyor of highways:

Provided that where part of a parish is included within an urban district, and the excluded part was, before the constitution of that district, liable to contribute to the highway rates for such parish, such excluded part shall (unless in the case of an urban district constituted before the passing of this Act a resolution deciding that such excluded part should be formed into a separate highway district has been passed in pursuance of the Local Government Act 1858 Amendment Act 1861), or unless such excluded part has been included in a highway district under the Highway Acts, for all purposes connected with the repairs of highways and the payment of highway rates, be considered to be and be treated as forming part of such district.

Provided also, that in the case of an urban district constituted after the passing of this Act a meeting of owners and ratepayers of the excluded part (to be convened and conducted in the manner provided by schedule III. to this Act) may decide that such excluded part shall be a highway parish, and thereupon the excluded part shall for all purposes connected with highways, surveyors of highways, and highway rates, be con-

sidered and treated as a parish maintaining its own highways; but the requisition for holding any such meeting shall be made within six months after the constitution of the urban district.

The court of quarter sessions may by order direct that for any such excluded part a waywarden or waywardens shall be elected, and may invest any waywarden elected in pursuance of any such order with all or any of the powers of waywardens under the Highway Acts.

Certain acts not required to be done in case of highway rate made by urban authority.

217. It shall not be necessary for the urban authority, in the case of any highway rate made by them, to do the following acts or any of them; (that is to say,)

To lay such rate before any justices, or obtain their allowance;

To annex thereto the signature of such urban authority;

To lay the same before the parishioners assembled in vestry;

To verify before any justices any accounts kept by them of such highway rates;

and all such accounts shall be audited in all respects in the same way as the other accounts of the urban authority.

General Provisions as to Urban Rates.

Estimate to be prepared before making rates.

218. Every urban authority, before proceeding to make a general district rate or private improvement rate under this Act, shall cause an estimate to be prepared of the money required for the purposes in respect of which the rate is to be made, showing—

The several sums required for each of such purposes; and

The rateable value of the property assessable; and

The amount of rate which for those purposes it is necessary to make on each pound of such value;

and the estimate so made shall forthwith, after being approved of by the urban authority, be entered in the rate book, and be kept at their office, open to public inspection during office hours thereat; but it shall not be deemed part of the rate, nor in any respect affect the validity of the same.

Rates to be open to inspection.

219. Any person interested in or assessed to any rate made under this Act may inspect the same, and any estimate made previously thereto, and may take copies of or extracts therefrom without fee or reward; any person who, having the custody of any such estimate or rate, refuses to allow or does not permit such inspection, or such copies or extracts to be taken, shall be liable to a penalty not exceeding five pounds.

Description of owner or occupier in rates.

220. Where the name of any owner or occupier liable to be rated under this Act is not known to the urban authority it shall be sufficient to assess and designate him in the rate as "the owner" or "the occupier" of the premises in respect of which the assessment is made, without further description.

Rates may be amended

221. An urban authority may from time to time amend any rate made in pursuance of this Act, by inserting therein the name of any person claiming and entitled to have his name inserted, or by inserting the name of any person who ought to have been assessed, or by striking out the name of any person who ought not to have been assessed, or by raising or reducing the sum at which any person has been assessed, if it appears to the urban authority that he has been under-rated or over-rated, or by making any other alteration which will make the rate conformable to the provisions of this Act; and no such amendment shall be held to avoid the rate.

Provided, that any person who may feel himself aggrieved by any such amendment shall have the same right of appeal therefrom as he would have had if the matter of amendment had appeared on the rate originally made, and with respect to him an amended rate shall be considered to have been made at the time when he first received notice of the amendment; and an amended rate shall not be payable by any person the amount of whose rate is increased by the amendment, or whose name is thereby newly inserted until seven days after such notice has been given to him.

Publication and collection of rates

222. All rates made or collected under this Act shall be published in the same manner as poor rates, and shall commence and be payable at such time or times, and shall be made in such manner and form, and be collected by such persons, and either together or separately, or with any other rate or tax, as the urban authority may from time to time appoint: Provided that no publication shall be required of any private improvement rate.

Evidence of rates.

223. The production of the books purporting to contain any rate or assessment made under this Act shall, without any other evidence whatever, be received as primâ facie evidence of the making and validity of the rates mentioned therein.

Power to make deduction from rate in certain cases.

224. Where it appears to an urban authority that any premises were sufficiently drained before the construction of any new sewer laid down by them, they may deduct from the amount of rates otherwise chargeable in respect of such premises such a sum for such time as they may under all the circumstances of the case deem just.

Power to reduce or remit rates.

225. An urban authority may reduce or remit the payment of any rate on account of the poverty of any person liable to the payment thereof.

Saving for existing agreements.

226. Nothing in this part of this Act shall alter or affect any lease contract or agreement made or entered into between the landlord and tenant of any premises.

Limit in local Act not to

227. Any limit imposed on or in respect of any rate by any local Act of Parliament shall not apply to any rate required

to be levied for the purpose of defraying any expenses incurred by an urban authority in the execution of this Act.

apply to rate for purposes of this Act.

228. Nothing in this Act shall be deemed to alter or interfere with any liability existing at the time of the passing of this Act of the Universities of Oxford and Cambridge respectively to contribute towards the expenses of paving and pitching repairing lighting and cleansing under the powers of any local Act under which the Oxford and Cambridge commissioners respectively act, the several streets and places within the jurisdiction of such commissioners respectively.

Quota of rates to be paid by the Universities, &c.

If any difference arises between either of the said universities and the urban authority with respect to the proportion and manner in which the university shall contribute towards any expenses under this Act, and to which the university is not liable under any such local Act, the same shall be settled by arbitration in manner provided by this Act.

All rates, contributions, and sums of money which may become payable under this Act by the said universities respectively, and their respective halls and colleges, may be recovered from such universities halls and colleges in the same manner in all respects as rates contributions and sums of money may now be recovered from them by virtue of any such local Act.

EXPENSES OF RURAL AUTHORITY.

229. The expenses incurred by a rural authority in the execution of this Act shall be divided into general expenses and special expenses.

Expenses of rural authority.

General expenses (other than those chargeable on owners and occupiers under this Act) shall be the expenses of the establishment and officers of the rural authority, the expenses in relation to disinfection, the providing conveyance for infected persons, and all other expenses not determined by this Act or by order of the Local Government Board to be special expenses.

Special expenses shall be the expenses of the construction maintenance and cleansing of sewers in any contributory place within the district, the providing a supply of water to any such place, and maintaining any necessary works for that purpose, if and so far as the expenses of such supply and works are not defrayed out of water rates or rents under this Act, the charges and expenses arising out of or incidental to the possession of property transferred to the rural authority in trust for any contributory place, and all other expenses incurred or payable by the rural authority in or in respect of any contributory place within the district, and determined by order of the Local Government Board to be special expenses.

Where the rural authority make any sewers or provide any water supply or execute any other work under this Act for

the common benefit of any two or more contributory places within their district, they may apportion the expense of constructing any such work, and of maintaining the same, in such proportions as they think just, between such contributory places, and any expense so apportioned to any such contributory place shall be deemed to be special expenses legally incurred in respect of such contributory place.

The overseers of any contributory place, if aggrieved by any such apportionment, may, within twenty-one days after notice has been given to them of the apportionment, send or deliver a memorial to the Local Government Board stating their grounds of complaint, and the said Board may make such order in the matter as to it may seem equitable, and the order so made shall be binding and conclusive on all parties concerned.

General expenses shall be payable out of a common fund to be raised out of the poor rate of the parishes in the district according to the rateable value of each contributory place in manner in this Act mentioned.

Special expenses shall be a separate charge on each contributory place.

The following areas situated in a rural district shall be contributory places for the purposes of this Act; that is to say,

(1.) Every parish not having any part of its area within the limits of a special drainage district formed in pursuance of the Sanitary Acts or of this Act, or of an urban district; and

(2) Every such special drainage district as aforesaid; and

(3) In the case of a parish wholly situated in a rural district, and part of which forms or is part of any such special drainage district as aforesaid, such portion of that parish as is not comprised within such special drainage district; and

(4.) In the case of a parish a part of which is situated within an urban district, such portion of that parish as is not comprised within such urban district, or within any such special drainage district as aforesaid.

Mode of raising contributions in rural district

230. For the purpose of obtaining payment from the several contributory places within their district of the sums to be contributed by them, the rural authority shall issue their precept to the overseers of each such contributory place requiring such overseers to pay, within a time limited by the precept, the amount specified in such precept to the rural authority or to some person appointed by them, care being taken to issue separate precepts in respect of contributions for general expenses and special expenses, or to make such expenses respectively separate items in any precept including both classes of expenses.

Where a contributory place is part of a parish as defined by this Act, the overseers of such parish shall for the purposes of this Act be deemed to be the overseers of such contributory place, and where any part of a contributory place is part of a parish the overseers of such parish shall for the like purposes be deemed to be the overseers of such part of such contributory place

The overseers shall comply with the requisitions of such precept by paying the contribution required in respect of general expenses out of the poor rate of their respective parishes, and with respect to special expenses by raising the contribution required by the levy (in the case of an entire parish on the whole of such parish, and in the case of a contributory place or part of a contributory place forming part of a parish, by the levy on such place, or such part thereof, exclusive of the rest of the parish) of a separate rate in the same manner as if it were a rate for the relief of the poor, with this exception; (namely,)

That the owner of any tithes, or of any tithe commutation rentcharge, or the occupier of any land used as arable meadow or pasture ground only, or as woodlands market gardens or nursery grounds, and the occupier of any land covered with water, or used as a canal or towing-path for the same, or as a railway constructed under the powers of any Act of Parliament for public conveyance, shall, where a special assessment is made for the purpose of such rate, be assessed in respect of one fourth part only of the rateable value thereof, or where no special assessment is made, shall pay in respect of the said property one fourth part only of the rate in the pound payable in respect of houses and other property:

Provided that where the amount required by any precept or precepts from a contributory place in respect of special expenses is less than ten pounds, or is so small that a rate less than one penny in the pound would be required to raise the same, the overseers shall not assess and levy any special rate for the same, but shall pay the amount as if it formed part of the contribution required from them in respect of general expenses.

A separate rate under this section shall, as respects the powers of the overseers in relation to making assessing and levying such rate, and as respects the appeal against such rate, and all other incidents thereof except the purposes to which it is applicable, and such exemption as aforesaid, and except the allowance of justices, which shall not be required, be subject to the same provisions as apply in law to a rate levied for the relief of the poor; and the overseers of a parish shall have the same powers of levying such separate rate in a contributory place or part of a contributory place forming part of their parish, as they would have if such contributory place or such part thereof formed the whole of their parish.

Where a contribution for general expenses is required from a contributory place or part of a contributory place which is part of a parish, the overseers shall from time to time levy such increase of rate from the contributory place or such part thereof as may be sufficient to recoup the parish for the sum it has paid on account of the contributory place or such part thereof in respect of general expenses under this Act, and carry the same to the general account of the parish, and such increase of rate shall be raised in such contributory place or part of a contributory place by an addition to the poor rate, or by a separate rate to be assessed made allowed published collected and levied in the same manner as a poor rate. The officers ordinarily employed in the collection of the poor rate shall, if required by the overseers, collect any separate rate made under this section, and receive out of such separate rate such remuneration for the additional duty as the overseers with the consent of the vestry may determine.

The overseers shall at the expiration of their term of office pay any surplus in their hands arising from any separate rate levied in pursuance of this Act, above the amount for which the rate was made, to the rural authority or to such person as they may appoint, to the credit of the contributory place within which or within part of which such rate was made, and such surplus shall go in reduction of the next call that may be made on such contributory place or such part thereof for the purpose of defraying the expenses incurred by the rural authority.

Remedy for non-payment by overseers of amount required by precept of rural authority.

231. If the amount required by any precept of a rural authority to be paid by the overseers of any parish is not paid in manner directed by such precept, and within the time therein specified for that purpose, the rural authority shall have the like remedy for recovery from the overseers of such amount as is not paid as guardians have for the time being for recovery from overseers of contributions of parishes, and for that purpose the precept of the rural authority requiring the payment shall be conclusive evidence of the amount thereof.

As to private improvement expenses.

232. Whenever a rural authority have incurred or become liable to any expenses which by this Act are, or by such authority may be declared to be private improvement expenses, such authority may make and levy a private improvement rate in the same manner as private improvement rates may be made and levied by an urban authority; and all the provisions of this Act applicable to private improvement rates leviable by an urban authority shall apply accordingly to any private improvement rate leviable by a rural authority.

BORROWING POWERS.

Power to borrow on credit of rates.

233. Any local authority may, with the sanction of the Local Government Board, for the purpose of defraying any costs charges and expenses incurred or to be incurred by them

in the execution of the Sanitary Acts or of this Act, or for the purpose of discharging any loans contracted under the Sanitary Acts or this Act, borrow or re-borrow, and take up at interest, any sums of money necessary for defraying any such costs charges and expenses, or for discharging any such loans as aforesaid.

An urban authority may borrow or re-borrow any such sums on the credit of any fund or all or any rates or rate out of which they are authorised to defray expenses incurred by them in the execution of this Act, and for the purpose of securing the repayment of any sums so borrowed, with interest thereon, they may mortgage to the persons by or on behalf of whom such sums are advanced any such fund or rates or rate.

A rural authority may borrow or re-borrow any such sums, if applied or intended to be applied to general expenses of such authority, on the credit of the common fund out of which such expenses are payable, and if applied or intended to be applied to special expenses of such authority, on the credit of any rate or rates out of which such expenses are payable, and for the purpose of securing the repayment of any sums so borrowed, with interest thereon, they may mortgage to the persons by or on behalf of whom such sums are advanced any such fund rate or rates.

Regulations as to exercise of borrowing powers.

234. The exercise of the powers of borrowing conferred by this Act shall be subject to the following regulations; (namely,)

(1.) Money shall not be borrowed except for permanent works, (including under this expression any works of which the cost ought in the opinion of the Local Government Board to be spread over a term of years):

(2.) The sum borrowed shall not at any time exceed, with the balances of all the outstanding loans contracted by the local authority under the Sanitary Acts and this Act, in the whole the assessable value for two years of the premises assessable within the district in respect of which such money may be borrowed:

(3.) Where the sum proposed to be borrowed with such balances (if any) would exceed the assessable value for one year of such premises, the Local Government Board shall not give their sanction to such loan until one of their inspectors has held a local inquiry and reported to the said Board:

(4.) The money may be borrowed for such time, not exceeding sixty years, as the local authority, with the sanction of the Local Government Board, determine in each case; and, subject as aforesaid, the local authority shall either pay off the moneys so borrowed by equal annual instalments of principal or of principal and interest, or they shall in every year set apart as a sinking fund, and accumulate in the

way of compound interest by investing the same in the purchase of Exchequer bills or other Government securities, such sum as will with accumulations in the way of compound interest be sufficient, after payment of all expenses, to pay off the moneys so borrowed within the period sanctioned:

(5.) A local authority may at any time apply the whole or any part of a sinking fund set apart under this Act in or towards the discharge of the moneys for the repayment of which the fund has been established: Provided that they pay into the fund in each year and accumulate until the whole of the moneys borrowed are discharged, a sum equivalent to the interest which would have been produced by the sinking fund or the part of the sinking fund so applied:

(6.) Where money is borrowed for the purpose of discharging a previous loan, the time for repayment of the money so borrowed shall not extend beyond the unexpired portion of the period for which the original loan was sanctioned, unless with the sanction of the Local Government Board, and shall in no case be extended beyond the period of sixty years from the date of the original loan.

Where any urban authority borrow any money for the purpose of defraying private improvement expenses, or expenses in respect of which they have determined a part only of the district to be liable, it shall be the duty of such authority, as between the ratepayers of the district, to make good, so far as they can, the money so borrowed, as occasion requires, either out of private improvement rates, or out of a rate levied in such part of the district as aforesaid.

Power to borrow on credit of sewage land and plant.

235. Where any local authority are possessed of any land works or other property for the purposes of disposal of sewage pursuant to this Act, they may borrow any moneys on the credit of such lands works or other property, and may mortgage such lands works or other property to any person advancing such moneys, in the same manner in all respects as if they were the absolute owner, both at law and in equity, of the lands works or other property so mortgaged. The moneys so borrowed shall be applied for purposes for which moneys may be borrowed under this Act; but it shall not be in any way incumbent on the mortgagees to see to the application of such moneys, nor shall they be responsible for any misapplication thereof.

The powers of borrowing conferred by this section shall, where the sums borrowed do not exceed three fourths of the purchase money of such lands (but not otherwise), be deemed to be distinct from and in addition to the general borrowing powers conferred on a local authority by this Act. Any local

authority may pay out of any rates leviable by them for purposes of this Act the interest on any moneys borrowed by such authority in pursuance of this section.

236. Every mortgage authorised to be made under this Act shall be by deed, truly stating the date consideration and the time and place of payment, and shall be sealed with the common seal of the local authority, and may be made according to the form contained in schedule IV. to this Act, or to the like effect. **Form of mortgage.**

237. There shall be kept at the office of the local authority a register of the mortgages on each rate, and within fourteen days after the date of any mortgage an entry shall be made in the register of the number and date thereof, and of the names and description of the parties thereto, as stated in the deed. Every such register shall be open to public inspection during office hours at the said office, without fee or reward; and any clerk or other person having the custody of the same, refusing to allow such inspection, shall be liable to a penalty not exceeding five pounds. **Register of mortgages.**

238. Any mortgagee or other person entitled to any mortgage under this Act may transfer his estate and interest therein to any other person by deed duly stamped, truly stating its date and the consideration for the transfer; and such transfers may be according to the form contained in schedule IV. to this Act, or to the like effect. **Transfer of mortgages.**

There shall be kept at the office of the local authority a register of the transfers of mortgage charged on each rate, and within thirty days after the date of such deed of transfer, if executed within the United Kingdom, or within thirty days after its arrival in the United Kingdom, if executed elsewhere, the same shall be produced to the clerk of the local authority, who shall, on payment of a sum not exceeding five shillings, cause an entry to be made in such register of its date, and of the names and description of the parties thereto, as stated in the transfer; and until such entry is made the local authority shall not be in any manner responsible to the transferee.

On the registration of any transfer the transferee his executors or administrators shall be entitled to the full benefit of the original mortgage and the principal and interest secured thereby; and any transferee may in like manner transfer his estate and interest in any such mortgage; and no person except the last transferee his executors or administrators shall be entitled to release or discharge any such mortgage or any money secured thereby.

If the clerk of the local authority wilfully neglects or refuses to make in the register any entry by this section required to be made, he shall be liable to a penalty not exceeding twenty pounds.

Receiver may be appointed in certain cases.

239. If at the expiration of six months from the time when any principal money or interest has become due on any mortgage of rates made under this Act, and after demand in writing, the same is not paid, the mortgagee or other person entitled thereto may, without prejudice to any other mode of recovery, apply for the appointment of a receiver to a court of summary jurisdiction; and such court may, after hearing the parties, appoint in writing under their hands and seals some person to collect and receive the whole or a competent part of the rates liable to the payment of the principal or interest in respect of which the application is made, until such principal or interest, or both, as the case may be, together with the costs of the application and of collection, are fully paid.

On such appointment being made all such rates, or such competent part thereof as aforesaid, shall be paid to the person appointed, and when so paid shall be so much money received by or to the use of the mortgagee or mortgagees of such rates, and shall be rateably apportioned between them:

Provided that no such application shall be entertained unless the sum or sums due and owing to the applicant amount to one thousand pounds, or unless a joint application is made by two or more mortgagees or other persons to whom there may be due, after such lapse of time and demand as last aforesaid, moneys collectively amounting to that sum.

Rentcharge may be granted in respect of advances made for private improvements.

240. Where any person has advanced money for any expenses which by this Act are, or by the local authority may be declared to be private improvement expenses, the local authority, on being satisfied by the report of their surveyor or otherwise that the money advanced by such person has been duly expended, may issue a grant in the form in schedule IV. to this Act to such person of a yearly rentcharge issuable out of the premises, in respect whereof such advance has been made, or out of such part thereof, to be specified in such grant, as the local authority may think proper and sufficient.

Such rentcharge shall be personal estate, and shall begin to accrue from the day of completion of the works on which the money advanced has been expended, and shall be payable by equal half-yearly payments during a term not exceeding thirty years, in such manner that the whole of the sum advanced, with the costs of preparing the said grant, together with interest thereon respectively, at a rate not exceeding six pounds per centum per annum on the sum from time to time remaining unpaid, shall be repaid at the end of the said term.

The provisions of this Act with respect to deduction from the rent of a proportion of private improvement rates, and with respect to redemption of private improvement rates, shall, mutatis mutandis, apply to rentcharges granted under this section.

241. Rentcharges issued in pursuance of this Act, and transfers thereof, shall be registered in the same manner respectively as mortgages and transfers are required to be registered under the provisions of this Act.

Rentcharges to be registered.

242. The Public Works Loan Commissioners may, if they see fit, on the application of any local authority, make any loan to such authority for any of the purposes of this Act on the security of any fund or rate applicable to any of the purposes of this Act, without requiring any further or other security.

Power of Public Works Loan Commissioners to lend to local authority.

243. The Public Works Loan Commissioners may, on the application of any local authority and on the recommendation of the Local Government Board, make any loan to such authority in pursuance of any powers of borrowing conferred by this Act, whether for works already executed or yet to be executed, on the security of any fund or rate applicable to any of the purposes of this Act, and without requiring any further or other security, such loan to be repaid within a period not exceeding fifty years, and to bear interest at the rate of three and a half per centum per annum, or such other rate as may, in the judgment of the Commissioners of the Treasury, be necessary, in order to enable the loan to be made without loss to the Exchequer:

Power of Public Works Loan Commissioners to lend to local authority on recommendation of Local Government Board.

Provided,—

(1.) That in determining the time when a loan under this section shall be repayable, the Local Government Board shall have regard to the probable duration and continuing utility of the works in respect of which the same is required:

(2.) That this section shall not extend to any loan required for the purpose of defraying expenses incurred by the Local Government Board in the performance of the duty of a defaulting local authority after the passing of the Public Health Act, 1872.

In the case of a loan made before the passing of the Public Health Act, 1872, to any local authority in pursuance of any powers conferred by the Sanitary Acts, the Public Works Loan Commissioners may reduce the interest payable thereon to the rate of not less than three and a half per centum per annum.

244. Joint boards and port sanitary authorities under this Act, and the local board of health of any main sewerage district and any joint sewerage board constituted under any of the Sanitary Acts and existing at the time of the passing of this Act shall, for the purposes of their constitution, have like powers of borrowing on the credit of any fund or rate applicable by them to purposes of this Act or on the credit of sewage land and plant as are by this Act conferred on local authorities, and in the exercise of those powers shall be subject to the like restrictions; and the Public Works Loan Commissioners may make any loan to any of the above-mentioned authorities which they may make to a local authority under this Act.

Borrowing powers of joint boards and certain other authorities.

AUDIT.

Audit of Accounts of Local Authorities.

Accounts of local authorities

245. Accounts of the receipts and expenditure under this Act of every local authority shall be made up in such form and to such day in every year as the Local Government Board may appoint.

Audit where urban authority are a town council.

246. Where an urban authority are the council of a borough the accounts of the receipts and expenditure under this Act of such authority shall be audited and examined by the auditors of the borough, and shall be published in like manner, and at the same time as the municipal accounts, and the auditors shall proceed in the audit after like notice and in like manner, shall have like powers and authorities, and perform like duties, as in the case of auditing the municipal accounts

Each of such auditors shall in respect of each audit be paid such reasonable remuneration, not being less than two guineas for every day in which they are employed in such audit, as such authority from time to time appoint. Any order of such authority for the payment of any money may be removed by certiorari, and like proceedings may be had thereon as under section forty-four of the Act of the first year of Her Majesty, chapter seventy-eight, with respect to orders of the council of a borough for payments out of the borough fund.

Audit where urban authority are not a town council.

247. Where an urban authority are not the council of a borough the following regulations with respect to audit shall be observed; (namely,)

(1.) The accounts of the receipts and expenditure under this Act of such authority shall be audited and examined once in every year, as soon as can be after the twenty-fifth day of March, by the auditor of accounts relating to the relief of the poor for the union in which the district of such authority or the greater part thereof is situate, unless such auditor is a member of the authority whose accounts he is appointed to audit, in which case such accounts shall be audited by such auditor of any adjoining union as may from time to time be appointed by the Local Government Board:

(2.) There shall be paid to such auditor in respect of each audit under this Act, such reasonable remuneration, not being less than two guineas for every day in which he is employed in such audit, as such authority from time to time appoint, together with his expenses of travelling to and from the place of audit:

(3.) Before each audit such authority shall, after receiving from the auditor the requisite appointment, give at least fourteen days notice of the time and place at which the same will be made, and of the deposit of accounts required by this section, by advertisement

in some one or more of the local newspapers circulated in the district; and the production of the newspaper containing such notice shall be deemed to be sufficient proof of such notice on any proceeding whatsoever:

(4.) A copy of the accounts duly made up and balanced, together with all rate books account books deeds contracts accounts vouchers and receipts mentioned or referred to in such accounts, shall be deposited in the office of such authority, and be open, during office hours thereat, to the inspection of all persons interested for seven clear days before the audit, and all such persons shall be at liberty to take copies of or extracts from the same, without fee or reward; and any officer of such authority duly appointed in that behalf neglecting to make up such accounts and books, or altering such accounts and books, or allowing them to be altered when so made up, or refusing to allow inspection thereof, shall be liable to a penalty not exceeding five pounds:

(5.) For the purpose of any audit under this Act, every auditor may, by summons in writing, require the production before him of all books deeds contracts accounts vouchers receipts and other documents and papers which he may deem necessary, and may require any person holding or accountable for any such books deeds contracts accounts vouchers receipts documents or papers to appear before him at any such audit or any adjournment thereof, and to make and sign a declaration as to the correctness of the same; and if any such person neglects or refuses so to do, or to produce any such books deeds contracts accounts vouchers receipts documents or papers, or to make or sign such declaration, he shall incur for every neglect or refusal a penalty not exceeding forty shillings; and if he falsely or corruptly makes or signs any such declaration, knowing the same to be untrue in any material particular, he shall be liable to the penalties inflicted on persons guilty of wilful and corrupt perjury:

(6.) Any ratepayer or owner of property in the district may be present at the audit, and may make any objection to such accounts before the auditor; and such ratepayers and owners shall have the same right of appeal against allowances by an auditor as they have by law against disallowances:

(7.) Any auditor acting in pursuance of this section shall disallow every item of account contrary to law, and surcharge the same on the person making or authorising the making of the illegal payment, and shall

charge against any person accounting the amount of any deficiency or loss incurred by the negligence or misconduct of that person, or of any sum which ought to have been but is not brought into account by that person, and shall in every such case certify the amount due from such person, and on application by any party aggrieved shall state in writing the reasons for his decision in respect of such disallowance or surcharge, and also of any allowance which he may have made:

(8.) Any person aggrieved by disallowance made may apply to the Court of Queen's Bench for a writ of certiorari to remove the disallowance into the said court, in the same manner and subject to the same conditions as are provided in the case of disallowances by auditors under the laws for the time being in force with regard to the relief of the poor; and the said court shall have the same powers with respect to allowances disallowances and surcharges under this Act as it has with respect to disallowances or allowances by the said auditors; or in lieu of such application any person so aggrieved may appeal to the Local Government Board, which Board shall have the same powers in the case of the appeal as it possesses in the case of appeals against allowances disallowances and surcharges by the said poor law auditors:

(9.) Every sum certified to be due from any person by an auditor under this Act shall be paid by such person to the treasurer of such authority within fourteen days after the same has been so certified, unless there is an appeal against the decision; and if such sum is not so paid, and there is no such appeal, the auditor shall recover the same from the person against whom the same has been certified to be due by the like process and with the like powers as in the case of sums certified on the audit of the poor rate accounts, and shall be paid by such authority all such costs and expenses, including a reasonable compensation for loss of time incurred by him in such proceedings, as are not recovered by him from such person:

(10.) Within fourteen days after the completion of the audit, the auditor shall report on the accounts audited and examined, and shall deliver such report to the clerk of such authority, who shall cause the same to be deposited in their office, and shall publish an abstract of such accounts in some one or more of the local newspapers circulated in the district.

Where the provisions as to audit of any local Act constituting a board of improvement commissioners are repugnant

to or inconsistent with those of this Act, the audit of the accounts of such improvement commissioners shall be conducted in all respects in accordance with the provisions of this Act.

248. The accounts under this Act of every rural authority shall be audited by the same persons and in every respect in the same manner as the accounts of guardians are audited under the Acts for the relief of the poor for the time being in force.

Audit of accounts of rural authority.

The accounts of the overseers collecting or paying any money for the purposes of this Act shall be audited in the same manner as the accounts of overseers collecting or paying any money for the purposes of the Acts relating to the relief of the poor for the time being in force.

An auditor shall, with respect to the accounts audited under this section, have the like powers and be subject to the like obligations in every respect as in the case of an audit under the Acts relating to the relief of the poor, and any person aggrieved by the decision of the auditor shall have the like rights and remedies as in the case of such last-mentioned audit.

249. On the application of any local authority whose accounts are required by this Act to be audited to the clerk of the peace of the county in which the district of such authority is wholly or in part situated, the said clerk or his deputy shall tax any bill due to any solicitor or attorney in respect of legal business performed on behalf of such authority; and the allowance of any sum on such taxation shall be primâ facie evidence of the reasonableness of the amount, but not of the legality of the charge.

Taxation of bill of solicitor or attorney.

The clerk of the peace shall be allowed for such taxation a remuneration after the rate to be fixed by the master of the Crown Office, and declared by an order of the Local Government Board.

If any such bill is not taxed by the clerk of the peace or some other duly authorised taxing officer before being presented to the auditors or auditor, the decision of the auditors or auditor upon the reasonableness and the legality of the charge shall be final.

250. The accounts under this Act of officers or assistants of any local authority who are required to receive moneys or goods on behalf of such authority shall be audited by the auditors or auditor of the accounts of such authority, with the same powers incidents and consequences as in the case of such last-mentioned accounts.

Auditor to audit accounts of officers.

PART VII.

LEGAL PROCEEDINGS.

Prosecution of Offences and Recovery of Penalties, &c.

Summary proceedings for offences, penalties, &c.

251. All offences under this Act, and all penalties forfeitures costs and expenses under this Act directed to be recovered in a summary manner, or the recovery of which is not otherwise provided for, may be prosecuted and recovered in manner directed by the Summary Jurisdiction Acts before a court of summary jurisdiction. The court of summary jurisdiction, when hearing and determining an information or complaint under this Act, shall be constituted of two or more justices of the peace in petty sessions, sitting at a place appointed for holding petty sessions or of some magistrate or officer for the time being empowered by law to do alone any act authorised to be done by more than one justice of the peace sitting at some court or other place appointed for the administration of justice.

General provisions as to summary proceedings.

252. Any complaint or information made or laid in pursuance of this Act shall be made or laid within six months from the time when the matter of such complaint or information respectively arose.

The description of any offence under this Act in the words of this Act shall be sufficient in law.

Any exception exemption proviso excuse or qualification whether it does or does not accompany the description of the offence in this Act, may be proved by the defendant, but need not be specified or negatived in the information; and, if so specified or negatived, no proof in relation to the matters so specified or negatived shall be required on the part of the informant.

Restriction on recovery of penalties.

253. Proceedings for the recovery of any penalty under this Act shall not, except as in this Act is expressly provided, be had or taken by any person other than by a party aggrieved, or by the local authority of the district in which the offence is committed, without the consent in writing of the Attorney General: Provided that such consent shall not be required to proceedings which are by the provisions of this Act relating to nuisances or offensive trades authorised to be taken by a local authority in respect of any act or default committed or taking place without their district, or in respect of any house building manufactory or place situated without their district.

Application of penalties.

254. Where the application of a penalty under this Act is not otherwise provided for, one half thereof shall go to the informer, and the remainder to the local authority of the district in which the offence was committed: Provided, that if the local authority are the informer they shall be entitled to the whole of the penalty recovered; and all penalties or

sums recovered by them on account of any penalty shall be paid over to their treasurer, and shall by him be carried to the account of the fund applicable by such authority to the general purposes of this Act.

Proceedings in certain cases against nuisances.

255. Where any nuisance under this Act appears to be wholly or partially caused by the acts or defaults of two or more persons, it shall be lawful for the local authority or other complainant to institute proceedings against any one of such persons, or to include all or any two or more of such persons in one proceeding; and any one or more of such persons may be ordered to abate such nuisance, so far as the same appears to the court having cognizance of the case to be caused by his or their acts or defaults, or may be prohibited from continuing any acts or defaults which, in the opinion of such court, contribute to such nuisance, or may be fined or otherwise punished, notwithstanding that the acts or defaults of any one of such persons would not separately have caused a nuisance; and the costs may be distributed as to such court may appear fair and reasonable.

Proceedings against several persons included in one complaint shall not abate by reason of the death of any among the persons so included, but all such proceedings may be carried on as if the deceased person had not been originally so included.

Whenever in any proceeding under the provisions of this Act relating to nuisances, whether written or otherwise, it becomes necessary to mention or refer to the owner or occupier of any premises, it shall be sufficient to designate him as the "owner" or "occupier" of such premises, without name or further description.

Nothing in this section shall prevent persons proceeded against from recovering contribution in any case in which they would now be entitled to contribution by law.

Summary proceedings for recovery of rates.

256. If any person assessed to any rate made under this Act by any urban authority fails to pay the same when due and for the space of fourteen days after the same has been lawfully demanded in writing, or if any person quits or is about to quit any premises without payment of any such rate then due from him in respect of such premises, and refuses to pay the same after lawful demand thereof in writing, any justice may summon the defaulter to appear before a court of summary jurisdiction to show cause why the rate in arrear should not be paid; and if the defaulter fails to appear, or if no sufficient cause for nonpayment is shown, the court may make an order for payment of the same, and, in default of compliance with such order, may by warrant cause the same to be levied by distress of the goods and chattels of the defaulter.

The costs of the levy of arrears of any rate may be included in the warrant for such levy.

Recovery of expenses by local authority from owners

257. Where any local authority have incurred expenses for the repayment whereof the owner of the premises for or in respect of which the same are incurred is made liable under this Act or by any agreement with the local authority, such expenses may be recovered, together with interest at a rate not exceeding five pounds per centum per annum, from the date of service of a demand for the same till payment thereof, from any person who is the owner of such premises when the works are completed for which such expenses have been incurred, and until recovery of such expenses and interest the same shall be a charge on the premises in respect of which they were incurred. In all summary proceedings by a local authority for the recovery of expenses incurred by them in works of private improvement, the time within which such proceedings may be taken shall be reckoned from the date of the service of notice of demand

Where such expenses have been settled and apportioned by the surveyor of the local authority as payable by such owner, such apportionment shall be binding and conclusive on such owner, unless within three months from service of notice on him by the local authority or their surveyor of the amount settled by the surveyor to be due from such owner, he shall by written notice dispute the same.

The local authority may, by order, declare any such expenses to be payable by annual instalments within a period not exceeding thirty years, with interest at a rate not exceeding five pounds per centum per annum, until the whole amount is paid; and any such instalments and interest, or any part thereof, may be recovered in a summary manner from the owner or occupier for the time being of such premises, and may be deducted from the rent of such premises, in the same proportions as are allowed in the case of private improvement rates under this Act.

Justices may act though members of local authority or liable to contribute.

258. No justice of the peace shall be deemed incapable of acting in cases arising under this Act by reason of his being a member of any local authority, or by reason of his being as one of several ratepayers, or as one of any other class of persons liable in common with the others to contribute to, or to be benefited by any rate or fund, out of which any expenses incurred by such authority are under this Act to be defrayed.

Appearance of local authorities in legal proceedings.

259. Any local authority may appear before any court, or in any legal proceeding by their clerk, or by any officer or member authorised generally or in respect of any special proceeding by resolution of such authority, and their clerk, or any officer or member so authorised shall be at liberty to institute and carry on any proceeding which the local authority is authorised to institute and carry on under this Act.

260. In any proceeding instituted by or against a local authority under this Act it shall not be necessary for the plaintiff to prove the corporate name of the local authority or the constitution or limits of their district: Provided that this section shall not abridge or prejudice the right of any defendant to take or avail himself of any objection which he might have taken or availed himself of if this Act had not been passed.

Name of local authority need not be proved.

261. Proceedings for the recovery of demands below fifty pounds, which local authorities are empowered to recover in a summary manner, may, at the option of the local authority, be taken in the county court as if such demands were debts within the cognizance of such courts.

Demands below 50*l.* may be recovered in county courts.

262. No rate order conviction or thing made or done or relating to the execution of this Act shall be vacated quashed or set aside for want of form, or (unless otherwise expressly provided by this Act) be removed or removable by certiorari or any other writ or process whatsoever into any of the superior courts: Provided that nothing in this section shall prevent the removal of any case stated for the opinion of a superior court, or of any rate order conviction or thing to which such special case relates.

Proceedings not to be quashed for want of form.

263. Any person who on any examination on oath, under any of the provisions of this Act, wilfully and corruptly gives false evidence shall be liable to the penalties inflicted on persons guilty of wilful and corrupt perjury.

False evidence punishable as perjury.

264. A writ or process shall not be sued out against or served on any local authority, or any member thereof, or any officer of a local authority, or person acting in his aid, for anything done or intended to be done or omitted to be done under the provisions of this Act, until the expiration of one month after notice in writing has been served on such local authority member officer or person, clearly stating the cause of action, and the name and place of abode of the intended plaintiff, and of his attorney or agent in the cause; and on the trial of any such action the plaintiff shall not be permitted to go into evidence of any cause of action which is not stated in the notice so served; and unless such notice is proved the jury shall find for the defendant.

Notice of action against local authority, &c.

Every such action shall be commenced within six months next after the accruing of the cause of action, and not afterwards, and shall be tried in the county or place where the cause of action occurred, and not elsewhere.

Any person to whom any such notice of action is given as aforesaid may tender amends to the plaintiff his attorney or agent, at any time within one month after service of such notice, and, in case the same be not accepted, may plead such tender in bar; and in case amends have not been tendered as

aforesaid, or in case the amends tendered are insufficient, the defendant may, by leave of the court, at any time before trial, pay into court under plea such sum of money as he may think proper; and if upon issue joined, or upon any plea pleaded for the whole action, the jury find generally for the defendant, or if the plaintiff be nonsuited or judgment be given for the defendant, then the defendant shall be entitled to full costs of suit, and have judgment accordingly.

Protection of local authority and their officers from personal liability.

265. No matter or thing done, and no contract entered into by any local authority or joint board or port sanitary authority, and no matter or thing done by any member of any such authority or by any officer of such authority or other person whomsoever acting under the direction of such authority, shall, if the matter or thing were done or the contract were entered into bonâ fide for the purpose of executing this Act, subject them or any of them personally to any action liability claim or demand whatsoever; and any expense incurred by any such authority member officer or other person acting as last aforesaid shall be borne and repaid out of the fund or rate applicable by such authority to the general purposes of this Act.

Provided that nothing in this section shall exempt any member of any such authority from liability to be surcharged with the amount of any payment which may be disallowed by the auditor in the accounts of such authority, and which such member authorised or joined in authorising.

Notices.

Notices, &c. may be printed or written

266. Notices orders and other such documents under this Act may be in writing or print, or partly in writing and partly in print; and if the same require authentication by the local authority the signature thereof by the clerk to the local authority or their surveyor or inspector of nuisances shall be sufficient authentication

Service of notices.

267. Notices orders and any other documents required or authorised to be served under this Act may be served by delivering the same to or at the residence of the person to whom they are respectively addressed, or where addressed to the owner or occupier of premises by delivering the same or a true copy thereof to some person on the premises, or if there is no person on the premises who can be so served by fixing the same on some conspicuous part of the premises; they may also be served by post by a prepaid letter, and if served by post shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such service it shall be sufficient to prove that the notice order or other document was properly addressed and put into the post.

Any notice by this Act required to be given to the owner or occupier of any premises may be addressed by the description of the "owner" or "occupier" of the premises (naming them) in respect of which the notice is given, without further name or description.

Appeal.

268. Where any person deems himself aggrieved by the decision of the local authority in any case in which the local authority are empowered to recover in a summary manner any expenses incurred by them, or to declare such expenses to be private improvement expenses, he may, within twenty-one days after notice of such decision, address a memorial to the Local Government Board, stating the grounds of his complaint, and shall deliver a copy thereof to the local authority; the Local Government Board may make such order in the matter as to the said Board may seem equitable, and the order so made shall be binding and conclusive on all parties.

Appeal in certain cases to Local Government Board.

Any proceedings that may have been commenced for the recovery of such expenses by the local authority shall, on the delivery to them of such copy as aforesaid, be stayed; and the Local Government Board may, if it thinks fit, by its order, direct the local authority to pay to the person so proceeded against such sum as the said Board may consider to be a just compensation for the loss damage or grievance thereby sustained by him.

269. Where any person deems himself aggrieved by any rate made under the provisions of this Act, or by any order conviction judgment or determination of or by any matter or thing done by any court of summary jurisdiction, such person may appeal therefrom, subject to the conditions and regulations following:

Appeal to quarter sessions.

(1.) The appeal shall be made to the next court of quarter sessions for the county division or place in which the cause of appeal has arisen, holden not less than twenty-one days after the demand of the rate or the decision of the court from which the appeal is made:

(2.) The appellant shall, within fourteen days after the cause of appeal has arisen, give notice to the other party and to the authority or court of summary jurisdiction by whose act he deems himself aggrieved, of his intention to appeal, and of the ground thereof:

(3.) The appellant shall, immediately after such notice, enter into a recognizance before a justice of the peace, with two sufficient sureties, conditioned personally to try such appeal, and to abide the judgment of the court thereon, and to pay such costs as may be awarded by the court, or give such other

security by deposit of money or otherwise as the justice may allow:

(4.) Where the appellant is in custody the justice may, on the appellant entering into such recognizance or giving such other security as aforesaid, release him from custody:

(5.) On appeals under this Act against any rate the court of appeal shall have the same power to amend or quash any rate or assessment, and to award costs between the parties to the appeal, as is or may by law be vested in any court of quarter sessions with respect to amending or quashing any rate or assessment, or awarding costs, on appeals with respect to rates for the relief of the poor; and the costs awarded by the said court under this Act may be recovered in the same manner in all respects as costs awarded on the last-mentioned appeals: Provided that, notwithstanding the quashing of any rate appealed against, all moneys charged by such rate shall, if the court of appeal think fit so to order, be levied as if no appeal had been made, and such moneys, when paid, shall be taken as payment on account of the next effective rate for the purposes in respect of which the quashed rate was made:

(6.) In the case of other appeals the court of appeal may if it thinks fit adjourn the appeal, and on the hearing thereof may confirm reverse or modify the decision of the court of summary jurisdiction, or remit the matter to the court of summary jurisdiction with the opinion of the court of appeal thereon, or make such other order in the matter as the court thinks just. The court of appeal may also make such order as to costs to be paid by either party as the court thinks just:

(7.) The decision of the court of appeal shall be binding on all parties: Provided that the court of appeal may, if such court thinks fit, state the facts specially for the determination of a superior court.

PART VIII.

ALTERATION OF AREAS AND UNION OF DISTRICTS.

Alteration of Areas.

Powers of Local Government Board in relation to alteration of areas.

270. The following enactments shall be made as to alteration of areas:

(1.) The Local Government Board, by provisional order, may dissolve any local government district, and may merge any such district in some other urban or rural district or districts; or it may by pro-

visional order declare the whole or any portion of a local government or a rural district immediately adjoining a local government district to be included in such last-mentioned district; or it may by provisional order declare any portion of a local government district immediately adjoining a rural district to be included in such rural district; and thereupon the included area shall, for the purposes of this Act, be deemed to form part of the district in which it is included by such order; and the remaining part (if any) of the local government district or rural district affected by such order shall continue subject to the like jurisdiction as it would have been subject to if such order had not been made unless and until the Local Government Board by provisional order otherwise directs:

(2.) In the case of a borough comprising within its area the whole of an improvement Act district, or having an area co-extensive with such district, the Local Government Board by provisional order may dissolve such district and transfer to the council of the borough all or any of the jurisdiction and powers of the improvement commissioners of such district remaining vested in them at the time of the passing of this Act:

(3.) The Local Government Board may by order dissolve any special drainage district constituted either before or after the passing of this Act in which a loan for the execution of works has not been raised, and merge it in the parish or parishes in which it is situated, and the Local Government Board may by provisional order dissolve any such district in which a loan has been raised for the execution of works, and merge it in the parish or parishes in which it is situated.

Local Government Board may by provisional order constitute local government district.

271. The Local Government Board may, by provisional order, declare any rural district, or any portion of any rural district or districts, to be a local government district; and from and after the commencement of the order, the district or portion of the district or districts therein referred to shall become a local government district, and shall be subject to the jurisdiction of a local board, to be elected in manner provided by schedule II. to this Act.

The Local Government Board may, by any order constituting a local government district under this section, divide such district into wards for the election of members of the local board.

Local Government Board

272. The owners and ratepayers of any place situated in any rural district or districts, and having a known and defined

may by order constitute local government district in pursuance of a resolution of owners and ratepayers.

boundary, may, by a resolution passed in manner provided by schedule III. to this Act, declare that it is expedient that such place should be constituted a local government district; and the Local Government Board may, if it thinks fit, by order made not less than six weeks after the receipt of a copy of such resolution by the said Board, declare such place to be a local government district, and from and after the commencement of such order such place shall become a local government district, and be subject to the jurisdiction of a local board to be elected in manner provided by schedule II. to this Act.

A petition may be presented to the Local Government Board from any place so situated as aforesaid, and not having a known and defined boundary, to settle its boundary for the purposes of this Act; the petition shall state the proposed boundaries of the place, shall be signed by one-tenth of the persons rated to the relief of the poor and resident within such boundaries, and shall be supported by such evidence as the Local Government Board may require. The Local Government Board may, after local inquiry as to the genuineness of the petition, and as to the propriety of the proposed boundaries, either dismiss the petition altogether or make order as to the boundaries of the place, and may also make order as to the costs of the proceedings in relation thereto, and the persons by whom such costs are to be borne.

Any place the boundaries of which have been settled in pursuance of the foregoing provisions shall thenceforth, for the purposes of this Act, be deemed to be a place with a known and defined boundary.

Objection to resolution.

273. Where not less than one twentieth of the owners and ratepayers of any place (such twentieth to be one twentieth in number of the owners and ratepayers of the place taken together, or the owners and ratepayers in respect of one twentieth of the rateable property in the place,) in which a resolution has been passed declaring that it is expedient that such place should be constituted a local government district, are desirous that such district should not be constituted, or that any part of such place should be excluded therefrom, they may present a petition to the Local Government Board objecting to such resolution, and specifying the grounds of their objection.

Such petition shall be subscribed by the owners and ratepayers presenting the same, and shall be presented within six weeks from the date of the passing of the resolution objected to, and shall, where the exclusion of part of the place is prayed for, state the part of the place proposed to be excluded, accompanied with an explanatory plan.

The Local Government Board may after local inquiry make order with respect to the matter in question, and such order shall be binding on the place in respect of which it is made.

274. Any owner or ratepayer who disputes the validity of the vote for the adoption of the resolution may appeal, within six weeks from the declaration of the decision of the meeting, to the Local Government Board, setting forth the grounds on which he disputes the validity of the vote; and the Local Government Board may, on such appeal, after local inquiry, make such order as to the said Board seems fit as to the validity or invalidity of the vote, and any other questions arising on the appeal.

Appeal to Local Government Board in case of alleged invalidity of vote.

But no objection shall be made, at any trial or in any legal proceeding, to the validity of the vote for the adoption of the resolution, or to any order made in pursuance thereof, or to any proceedings on which such order was founded, unless the objector gives fourteen days notice to the other parties interested in such trial or proceeding of his intention to make the same, specifying fully the nature of the objection to be made; and no objection whatever in respect of the matters mentioned in this section shall be admissible at any trial or in any legal proceeding after the expiration of six months from the date of the constitution of the district.

275. Every order made by the Local Government Board under this part of this Act shall specify a day on which such order shall come into operation (in this Act referred to as the commencement of the order); and from and after the commencement of the order all the powers rights duties capacities liabilities obligations and property which under this Act are exerciseable by or attaching to or vested in the local authority having, under this Act, jurisdiction in any district or part of a district which is by such order included in some other district, shall (so far as the same relate to the district or part of a district so included) pass to and vest in the local authority of such other district: Provided that in the case of the constitution of a new local government district, all the powers rights duties capacities liabilities obligations and property which under this Act are exerciseable by or attaching to or vested in any local authority or authorities having, under this Act, jurisdiction in the area so constituted a local government district, shall continue to be exerciseable by attached to and vested in such authority or authorities, until the day of the first meeting of the local board for the district so constituted.

General provisions as to orders.

Any order made in pursuance of this part of this Act may, if necessary, provide for the settlement of any differences, or the adjustment of any accounts or apportionment of any liabilities arising between districts parishes or other places in consequence of the exercise of any powers conferred by this part of this Act, and may direct the persons by whom and to whom any moneys found to be due are to be paid, and the mode of raising such moneys; and where any local government district is diminished or increased in extent under this

part of this Act, the order shall prescribe the number of members to be elected for the district when altered.

The Local Government Board may include in the same order provisions for the dissolution of one district, and for the inclusion of the whole or any part of such district in any other district or districts.

Local Government Board may invest rural authority with powers of urban authority.

276. The Local Government Board may, on the application of the authority of any rural district, or of persons rated to the relief of the poor, the assessment of whose hereditaments amounts at the least to one tenth of the net rateable value of such district, or of any contributory place therein, by order to be published in the London Gazette or in such other manner as the Local Government Board may direct, declare any provisions of this Act in force in urban districts to be in force in such rural district or contributory place, and may invest such authority with all or any of the powers rights duties capacities liabilities and obligations of an urban authority under this Act, and such investment may be made either unconditionally or subject to any conditions to be specified by the Board as to the time, portion of the district, or manner during at and in which such powers rights duties liabilities capacities and obligations are to be exercised and attach: Provided that an order of the Local Government Board made on the application of one tenth of the persons rated to the relief of the poor in any contributory place shall not invest the rural authority with any new powers beyond the limits of such contributory place.

Power of rural authority to form special drainage districts.

277. It shall be lawful for a rural authority, by resolution to be approved by the Local Government Board, but not otherwise, to constitute any portion of the area within their jurisdiction a special drainage district, for the purpose of charging thereon exclusively the expenses of works of sewerage water supply or of other works, which by this Act are or by order of the Local Government Board may be declared to be special expenses, and thereupon such area shall become a separate contributory place.

Power to settle disputes as to boundaries of districts.

278. On the application of any urban authority (being a local board or improvement commissioners), the Local Government Board may, by order after local inquiry, settle any dispute as to the boundaries of the district of such authority; such order shall be published in some local newspaper circulating in the district to which it relates, and from and after its commencement shall be conclusive on the question determined by it.

Union of Districts.

Formation of united district.

279. Where, on the application of the local authorities of any urban or rural districts, or of any of such authorities, it appears to the Local Government Board that it would be for

the advantage of such districts, or any of them, or any parts thereof, or of any contributory places in any rural district or districts, to be formed into a united district for all or any of the purposes following; (that is to say,)

(1.) The procuring a common supply of water; or

(2.) The making a main sewer or carrying into effect a system of sewerage for the use of all such districts or contributory places; or

(3.) For any other purposes of this Act;

the Local Government Board may by provisional order form such districts or contributory places into a united district.

All costs charges and expenses of and incidental to the formation of a united district shall, in the event of the united district being formed, be a first charge on the rates leviable in the united district in pursuance of this Act.

Governing body of united district.

280. The governing body of a united district shall be a joint board consisting of such ex-officio members and of such number of elective members as the Local Government Board may by the provisional order forming the district determine.

A joint board shall be a body corporate by such name as may be determined by the provisional order, having a perpetual succession and a common seal, with power to hold lands for the purposes of its constitution, without any license in mortmain.

Contents of provisional order forming united district.

281. The provisional order forming a united district under this Act shall define the purposes for which such united district is formed, and the powers rights duties capacities liabilities and obligations under this Act which the joint board is authorised to exercise or perform, or is made subject to, and shall contain regulations as to the qualification and mode of election of elective members of the joint board, as to their continuance in office, as to casual vacancies in the joint board, as to their meetings and officers, and any other matter or thing, including the adjustment of present and future liabilities and property with respect to which the Local Government Board may think fit to make any regulations for the better carrying into effect the provisions of this Act with respect to united districts.

Upon the constitution of a joint board the local authorities having jurisdiction in the component districts or contributory places shall cease to exercise therein any powers, or to perform any duties, or to be subject to any liabilities or obligations, which the joint board is authorised to exercise or perform or is made subject to; nevertheless, the joint board may delegate to the local authority of any component district the exercise of any of its powers or the performance of any of its duties.

Meetings and proceedings of joint boards.

282. Meetings of any joint board shall be held and the proceedings thereat shall be conducted (so far as such meetings and proceedings are not regulated by the order forming the joint board) in accordance with the rules as to meetings and proceedings contained in schedule I. to this Act.

Expenses of joint board.

283. Any expenses incurred by a joint board in pursuance of this Act, unless otherwise determined by the provisional order, shall be defrayed out of a common fund, to be contributed by the component districts or contributory places in proportion to the rateable value of the property in each district or contributory place, such value to be ascertained according to the valuation list in force for the time being.

Payment of contributions to joint board.

284. For the purpose of obtaining payment from component districts of the sums to be contributed by them, the joint board shall issue their precept to the local authority of each component district, stating the sum to be contributed by such authority, and requiring such authority, within a time limited by the precept, to pay the sums therein mentioned to the joint board, or to such person as the joint board may direct.

Any sum mentioned in a precept addressed by a joint board to a local authority as aforesaid shall be a debt due from that authority, and may be recovered accordingly, such contribution in the case of a rural authority being deemed to be general expenses.

If any local authority makes default in complying with the precept addressed to it, the joint board may, instead of instituting proceedings for the recovery of a debt, or in addition to such proceedings as to any part of a debt which may for the time being be unpaid, proceed in a summary manner as in this Act mentioned to raise within the district of the defaulting authority such sum as may be sufficient to pay the sum due.

For the purpose of obtaining payment from contributory places of the sums to be contributed by them, the joint board shall have the same powers of issuing precepts and of recovering the amounts named therein as if such contributory places formed a rural district, and the joint board were the authority thereof.

Power to execute works in adjoining districts, and to combine for execution of works.

285. Any local authority may, with the consent of the local authority of any adjoining district, execute and do in such adjoining district all or any of such works and things as they may execute and do within their own district, and on such terms as to payment or otherwise as may be agreed on between them and the local authority of the adjoining district; moreover two or more local authorities may combine together for the purpose of executing and maintaining any works that may be for the benefit of their respective districts or any part thereof. All moneys which any local authority may agree to contribute for defraying expenses incurred under this section shall be deemed to be expenses incurred by them in the execution of works within their district.

Districts may be united for appointing a medical officer of health.

286. Where it appears to the Local Government Board, on any representation made to it, that the appointment of a medical officer of health for two or more districts situated wholly or partially in the same county would diminish expense,

or otherwise be for the advantage of such districts, the Local Government Board may by order unite such districts for the purpose of appointing a medical officer of health, and may make regulations as to the mode of his appointment and removal by representatives of the authorities of the constituent districts, and as to the meetings from time to time of such representatives, and the proportion in which the expenses of the appointment and of the salary and expenses of such officer are to be borne by such authorities, and as to any other matters (including the necessary expenses of such representatives) which, in the opinion of the said Board, require regulation for the purposes of this section; and no other medical officer of health shall be appointed for any constituent district, except as an assistant to the officer appointed for the united districts:

Provided that no urban district containing a population of twenty-five thousand and upwards, or (in the case of a borough) having a separate court of quarter sessions, shall be included in any union of districts formed under this section without the consent of the local authority of such district or borough.

Not less than twenty-eight days notice that it is proposed to make an order under this section shall be given by the Local Government Board to the local authority of any district proposed to be included in the union, and if within twenty-one days after such notice has been given to any such authority they give notice to the Local Government Board that they object to the proposal, the Local Government Board may include their district in the union by a provisional order but not otherwise.

There may be assigned by the Local Government Board to the district medical officer of any union comprising or coincident with any constituent district such duties in rendering local assistance to the medical officer of health appointed for the united districts as the said Board may think fit; and such district medical officer shall receive, in respect of any duties so assigned to him, such additional remuneration to be paid by the local authority or authorities of the district or districts within which his duties under this section are performed as those authorities may, with the approval of the Local Government Board, determine.

PORT SANITARY AUTHORITY.

Constitution of port sanitary authority.

287. The Local Government Board may, by provisional order, permanently constitute any local authority whose district or part of whose district forms part of or abuts on any part of a port in England, or the waters of such port, or any conservators commissioners or other persons having authority in or over such port or any part thereof, (which local authority conservators commissioners or other persons are in this Act referred to as a "riparian authority,") the sanitary authority

of the whole of such port or of any part thereof (in this Act referred to as the "port sanitary authority").

The Local Government Board may also by provisional order permanently constitute a port sanitary authority for the whole or any part of a port, by combining any two or more riparian authorities having jurisdiction within such port, or any part thereof, and may prescribe the mode of their joint action; or by forming a joint board consisting of representative members of any two or more riparian authorities, in the same manner as is by this Act provided with respect to the formation of a united district. Moreover the Local Government Board may by provisional order permanently constitute a port sanitary authority for any two or more ports, by forming a joint board consisting of representative members of all or any of the riparian authorities having jurisdiction within such ports, or any part thereof.

In any case in which the Local Government Board are by this section authorised permanently to constitute by provisional order a port sanitary authority, the said Board may, if it thinks fit, until such order has been made and confirmed by Parliament, temporarily constitute by order any such authority, and may from time to time renew any such last-mentioned order, and may by any order so made or renewed make any such provisions as it is by this section empowered to make by provisional order.

Any order constituting a port sanitary authority may assign to such authority any powers rights duties capacities liabilities and obligations under this Act, and direct the mode in which the expenses of such authority are to be paid; and where such order constitutes a joint board the port sanitary authority, it may contain regulations with respect to any matters for which regulations may be made by a provisional order forming a united district under this Act.

A port shall mean a port as established for the purposes of the laws relating to the customs of the United Kingdom.

Jurisdiction of port sanitary authority.

288. The order of the Local Government Board constituting a port sanitary authority shall be deemed to give such authority jurisdiction over all waters within the limits of such port, and also over the whole or such portions of the district within the jurisdiction of any riparian authority as may be specified in the order.

Delegation of powers by port sanitary authority.

289. A port sanitary authority may, with the sanction of the Local Government Board, delegate to any riparian authority within or bordering on their district the exercise of any powers conferred on such port sanitary authority by the order of the Local Government Board, but, except in so far as such delegation may extend, no other authority shall exercise any powers conferred on a port sanitary authority by the order

of the Local Government Board within the district of such port sanitary authority.

290. Any expenses incurred by a port sanitary authority constituted temporarily in carrying into effect any purposes of this Act shall be defrayed out of a common fund to be contributed by the riparian authorities in such proportions as the Local Government Board thinks just.

Expenses of port sanitary authority.

Such port sanitary authority, if itself a local authority under this Act independently of its character of a port sanitary authority, shall raise the proportion of expenses due in respect of its own district in the same manner as if such expenses had been incurred by it in the ordinary manner for the purposes of this Act.

For the purpose of obtaining payment from the contributory riparian authorities of the sums to be contributed by them, such port sanitary authority shall issue their precept to each such authority, requiring such authority, within a time limited by the precept, to pay the amount therein mentioned to such port sanitary authority, or to such person as such port sanitary authority may direct.

Any contribution payable by a riparian authority to such port sanitary authority shall be a debt due from them, and may be recovered accordingly, such contribution in the case of a rural authority being deemed general expenses of that authority. If any riparian authority makes default in complying with the precept addressed to it by such port sanitary authority, such port sanitary authority may, instead of instituting proceedings for the recovery of the debt, or in addition to such proceedings, as to any part of the debt which may for the time being be unpaid, proceed in the summary manner in this Act mentioned to raise within the district of the defaulting authority such sum as may be sufficient to pay the debt due.

Where several riparian authorities are combined in the district of one port sanitary authority the Local Government Board may by order declare that some one or more of such authorities shall be exempt from contributing to the expenses incurred by such authorities.

291. The mayor aldermen and commons of the city of London shall be the port sanitary authority of the port of London, and shall pay out of their corporate funds all their expenses as such port sanitary authority.

Provision as to port of London.

292. Where any port sanitary authority joint board or other authority are authorised, in pursuance of this Act, to proceed in a summary manner to raise within the district of a defaulting authority such sum as may be sufficient to pay any debt due to them, the authority so authorised for the purpose of raising such sum shall, within the district of the

Proceedings for raising a sum for payment of debt within district of a defaulting authority.

defaulting authority, have, so far as relates to the raising such sum, the same powers as if they were the defaulting authority, and as if such sum were expenses properly incurred by the defaulting authority within the district of such authority.

Where the defaulting authority have power to raise any moneys due for their expenses by levy of a rate from individual ratepayers, the authority so authorised as aforesaid shall have power to levy such a rate by any officer appointed by them, and the officer so appointed shall have the same powers, and the rate shall be levied in the same manner and be subject to the same incidents in all respects as if it were being levied by the officer of the defaulting authority for the payment of the expenses of that authority; and where the defaulting authority have power to raise moneys due for their expenses by issuing precepts, or otherwise requiring payments from any other authorities, the authority so authorised as aforesaid shall have the same power as the defaulting authority would have of issuing precepts, or otherwise requiring payment from such other authorities.

Any precepts issued by the authority so authorised as aforesaid for raising the sum due to them may be enforced in the same manner in all respects as if they had been issued by the defaulting authority.

The authority so authorised as aforesaid may, in making an estimate of the sum to be raised for the purpose of paying the debt due to them, add such sums as they think sufficient, not exceeding ten per cent. on the debt due, and may defray thereout all costs charges and expenses (including compensation to any persons they may employ) to be incurred by such authority by reason of the default of the defaulting authority; and the authority so authorised as aforesaid shall apply all moneys raised by them in payment of the debt due to them, and such costs charges and expenses as aforesaid, and shall render the balance, if any, remaining in their hands after such application to the defaulting authority.

PART IX.

LOCAL GOVERNMENT BOARD.

Inquiries by Board.

Power of Board to direct inquiries.

293. The Local Government Board may from time to time cause to be made such inquiries as are directed by this Act, and such inquiries as they see fit in relation to any matters concerning the public health in any place, or any matters with respect to which their sanction approval or consent is required by this Act.

294. The Local Government Board may make orders as to the costs of inquiries or proceedings instituted by, or of appeals to the said Board under this Act; and as to the parties by whom or the rates out of which such costs shall be borne; and every such order may be made a rule of one of the superior courts of law on the application of any person named therein.

Orders as to costs of inquiries.

295. All orders made by the Local Government Board in pursuance of this Act shall be binding and conclusive in respect of the matters to which they refer, and shall be published in such manner as that Board may direct.

Orders of Board under this Act.

296. Inspectors of the Local Government Board shall, for the purposes of any inquiry directed by the Board, have in relation to witnesses and their examination, the production of papers and accounts, and the inspection of places and matters required to be inspected, similar powers to those which poor law inspectors have under the Acts relating to the relief of the poor for the purposes of those Acts.

Power of inspectors of Local Government Board.

Provisional Orders by Board.

297. With respect to provisional orders authorised to be made by the Local Government Board under this Act, the following enactments shall be made:—

As to provisional orders made by Local Government Board.

(1.) The Local Government Board shall not make any provisional order under this Act unless public notice of the purport of the proposed order has been previously given by advertisement in two successive weeks in some local newspaper circulating in the district to which such provisional order relates:

(2.) Before making any such provisional order, the Local Government Board shall consider any objections which may be made thereto by any persons affected thereby, and in cases where the subject matter is one to which a local inquiry is applicable, shall cause to be made a local inquiry, of which public notice shall be given in manner aforesaid, and at which all persons interested shall be permitted to attend and make objections:

(3.) The Local Government Board may submit to Parliament for confirmation any provisional order made by it in pursuance of this Act, but any such order shall be of no force whatever unless and until it is confirmed by Parliament:

(4.) If while the Bill confirming any such order is pending in either House of Parliament, a petition is presented against any order comprised therein, the Bill, so far as it relates to such order, may be referred to a Select Committee, and the petitioner shall be

allowed to appear and oppose as in the case of private bills:

(5.) Any Act confirming any provisional order made in pursuance of any of the Sanitary Acts or of this Act, and any Order in Council made in pursuance of any of the Sanitary Acts, may be repealed altered or amended by any provisional order made by the Local Government Board and confirmed by Parliament:

(6.) The Local Government Board may revoke, either wholly or partially, any provisional order made by them before the same is confirmed by Parliament, but such revocation shall not be made whilst the Bill confirming the order is pending in either House of Parliament:

(7.) The making of a provisional order shall be primâ facie evidence that all the requirements of this Act in respect of proceedings required to be taken previously to the making of such provisional order have been complied with:

(8.) Every Act confirming any such provisional order shall be deemed to be a public general Act.

Costs of provisional orders.

298. The reasonable costs of any local authority in respect of provisional orders made in pursuance of this Act, and of the inquiry preliminary thereto, as sanctioned by the Local Government Board, whether in promoting or opposing the same, shall be deemed to be expenses properly incurred for purposes of this Act by the local authority interested in or affected by such provisional orders, and such costs shall be paid accordingly; and if thought expedient by the Local Government Board, the local authority may contract a loan for the purpose of defraying such costs.

Power of Board to enforce Performance of Duty by defaulting Local Authority.

Proceedings on complaint to Board of default of local authority.

299. Where complaint is made to the Local Government Board that a local authority has made default in providing their district with sufficient sewers, or in the maintenance of existing sewers, or in providing their district with a supply of water, in cases where danger arises to the health of the inhabitants from the insufficiency or unwholesomeness of the existing supply of water, and a proper supply can be got at a reasonable cost, or that a local authority has made default in enforcing any provisions of this Act which it is their duty to enforce, the Local Government Board, if satisfied, after due inquiry, that the authority has been guilty of the alleged default, shall make an order limiting a time for the performance of their duty in the matter of such complaint. If such duty is not performed by the time limited in the

order, such order may be enforced by writ of Mandamus, or the Local Government Board may appoint some person to perform such duty, and shall by order direct that the expenses of performing the same, together with a reasonable remuneration to the person appointed for superintending such performance, and amounting to a sum specified in the order, together with the costs of the proceedings, shall be paid by the authority in default; and any order made for the payment of such expenses and costs may be removed into the Court of Queen's Bench, and be enforced in the same manner as if the same were an order of such Court.

Any person appointed under this section to perform the duty of a defaulting local authority shall, in the performance and for the purposes of such duty, be invested with all the powers of such authority other than (save as herein-after provided) the powers of levying rates; and the Local Government Board may from time to time by order change any person so appointed.

Further provision for recovery of expenses.

300. Any sum specified in an order of the Local Government Board for payment of the expenses of performing the duty of a defaulting local authority, together with the costs of the proceedings, shall be deemed to be expenses properly incurred by such authority, and to be a debt due from such authority, and payable out of any moneys in the hands of such authority or of their officers, or out of any rate applicable to the payment of any expenses properly incurred by such authority, which rate is in this part of this Act referred to as "the local rate." If the defaulting authority refuses to pay any such sum, with costs, as aforesaid, for a period of fourteen days after demand, the Local Government Board may by order empower any person to levy, by and out of the local rate, such sum (the amount to be specified in the order) as may, in the opinion of the Local Government Board, be sufficient to defray the debt so due from the defaulting authority, and all expenses incurred in consequence of the nonpayment of such debt.

Any person or persons so empowered shall have the same powers of levying the local rate, and requiring all officers of the defaulting authority to pay over any moneys in their hands, as the defaulting authority would have in the case of expenses legally payable out of a local rate to be raised by such authority; and the said person or persons, after repaying all sums of money so due in respect of the order, shall pay the surplus, if any, (the amount to be ascertained by the Local Government Board,) to or to the order of the defaulting authority.

Power of Board to borrow to defray expenses

301. The Local Government Board may from time to time certify the amount of expenses that have been incurred, or an estimate of the expenses about to be incurred, by any

of performing duty of defaulting authority

person appointed by the said Board under this Act to perform the duty of a defaulting local authority; also, the amount of any loan required to be raised for the purpose of defraying any expenses that have been so incurred, or are estimated as about to be incurred; and the certificate of the said Board shall be conclusive as to all matters to which it relates.

Whenever the Local Government Board so certifies a loan to be required, the Public Works Loan Commissioners may advance to the Local Government Board, or to any person appointed as aforesaid, the amount of the loan so certified to be required on the security of the local rate, without requiring any other security; and the Local Government Board, or the person so appointed, may, by any instrument duly executed, charge the local rate with the repayment of the principal and interest due in respect of such loan, and every such charge shall have the same effect as if the defaulting local authority were empowered to raise such loan on the security of the local rate, and had duly executed an instrument charging the same on the local rate.

Recovery of principal and interest.

302. Any principal money or interest for the time being due in respect of any loan under this Act made for payment of the expenses incurred or to be incurred in the performance of the duty of a defaulting local authority shall be taken to be a debt due from such authority, and, in addition to any other remedies, may be recovered in the manner in which a debt due from a defaulting authority may be recovered in pursuance of the provisions of this part of this Act.

The surplus (if any) of any such loan, after payment of the expenses aforesaid, shall, on the amount thereof being certified by the Local Government Board, be paid to or to the order of the defaulting authority.

"Expenses," for the purposes of the provisions of this part of this Act relating to defaulting local authorities, shall include all sums payable under those provisions by or by the order of the Local Government Board, or the person appointed by that Board.

Powers of Board in relation to Local Acts, &c.

Power to repeal and alter local Acts.

303. The Local Government Board may, on the application of the local authority of any district, by provisional order, wholly or partially repeal alter or amend any local Act, other than an Act for the conservancy of rivers, which is in force in any area comprising the whole or part of any such district, and not conferring powers or privileges on any persons or person for their or his own pecuniary benefit, which relates to the same subject matters as this Act.

Any such provisional order may provide for the extension of the provisions of the local Act referred to therein beyond the district or districts within the limits of such Act, or for

the exclusion of the whole or a portion of any such district from the application of such Act; and may provide what local authority shall have jurisdiction for the purposes of this Act in any area which is by such order included in or excluded from such district.

Settlement of differences arising out of transfer of powers or property to local authority.

304. On the application of any authority from whom or to whom any powers rights duties capacities liabilities obligations and property, or any of them, are at any time transferred or alleged or claim to be transferred in pursuance of this Act, or any provisional order made thereunder, or on the application of any person affected by such transfer, the Local Government Board may by order settle any doubt or difference, and adjust any accounts arising out of or incidental to such powers rights duties capacities liabilities obligations or property, or to the transfer thereof, and direct the parties by whom and to whom any moneys found to be due are to be paid, and the mode of raising such moneys; and any provisions contained in any order so made shall be deemed to have been made in pursuance of and to be within the powers conferred by this section, subject to this proviso, that where any such order directs any rate to be made, or other act or thing to be done, which the party required to make or do would not, apart from the provisions of this Act, have been enabled to make or do by law, such order shall be provisional only until it has been confirmed by Parliament.

Any settlement or adjustment under this section may be included in any provisional order which gives rise to the same.

PART X.

MISCELLANEOUS AND TEMPORARY PROVISIONS.

Miscellaneous.

Entry on lands for purposes of Act.

305. Whenever it becomes necessary for a local authority or any of their officers to enter examine or lay open any lands or premises for the purpose of making plans surveying measuring taking levels making keeping in repair or examining works, ascertaining the course of sewers or drains, or ascertaining or fixing boundaries, and the owner or occupier of such lands or premises refuses to permit the same to be entered upon examined or laid open for the purposes aforesaid or any of them, the local authority may, after written notice to such owner or occupier, apply to a court of summary jurisdiction for an order authorising the local authority to enter examine and lay open the said lands and premises for the purposes aforesaid or any of them.

If no sufficient cause is shown against the application the court may make an order accordingly, and on such order being

made the local authority or any of their officers may, at all reasonable times between the hours of nine in the forenoon and six in the afternoon, enter examine or lay open the lands or premises mentioned in such order, for such of the said purposes as are therein specified, without being subject to any action or molestation for so doing: Provided that, except in case of emergency, no entry shall be made or works commenced under this section unless at least twenty-four hours notice of the intended entry, and of the object thereof, be given to the occupier of the premises intended to be entered.

Penalty on obstructing execution of Act.

306. Any person who wilfully obstructs any member of the local authority, or any person duly employed in the execution of this Act, or who destroys pulls down injures or defaces any board on which any byelaw notice or other matter is inscribed, shall, if the same was put up by authority of the Local Government Board or of the local authority, be liable for every such offence to a penalty not exceeding five pounds.

Where the occupier of any premises prevents the owner thereof from obeying or carrying into effect any provisions of this Act, any justice to whom application is made in this behalf shall, by order in writing, require such occupier to permit the execution of any works required to be executed, provided that the same appear to such justice to be necessary for the purpose of obeying or carrying into effect the provisions of this Act; and if within twenty-four hours after the making of the order such occupier fails to comply therewith, he shall be liable to a penalty not exceeding five pounds for every day during the continuance of such non-compliance.

If the occupier of any premises, when requested by or on behalf of the local authority to state the name of the owner of the premises occupied by him, refuses or wilfully omits to disclose or wilfully mis-states the same, he shall (unless he shows cause to the satisfaction of the court for his refusal) be liable to a penalty not exceeding five pounds.

Penalty on damaging works, &c. of local authority.

307. Any person who wilfully damages any works or property belonging to any local authority shall, in cases where no other penalty is provided by this Act, be liable to a penalty not exceeding five pounds.

Compensation in case of damage by local authority.

308. Where any person sustains any damage by reason of the exercise of any of the powers of this Act, in relation to any matter as to which he is not himself in default, full compensation shall be made to such person by the local authority exercising such powers; and any dispute as to the fact of damage or amount of compensation shall be settled by arbitration in manner provided by this Act, or if the compensation claimed does not exceed the sum of twenty pounds, the same may at the option of either party be ascertained by and recovered before a court of summary jurisdiction.

309. If any officer of any trustees commissioners or other body of persons intrusted with the execution of any local Act, whether acting exclusively under the local Act, or partly under the local Act and partly under the Local Government Acts, or any officer of any sanitary authority under the Sanitary Acts by this Act repealed, or of any local authority under this Act, is, by or in pursuance of the Public Health Act, 1872, or of this Act, or of any provisional order made in pursuance of either of those Acts, removed from his office, or deprived of the whole or part of the emoluments of his office, and does not afterwards receive remuneration to an equal amount in respect of some office or employment under or by the authority of any district under this Act, the Local Government Board may by order award to such officer such compensation as the said Board may think just; and such compensation may be by way of annuity or otherwise, and shall be paid by the local authority of the district in which such officer held his office out of any rates applicable to the general purposes of this Act within that district.

Compensation in certain cases to officers.

310. Where after the passing of this Act a district or part of a district under the jurisdiction of improvement commissioners, or a district or part of a district under the jurisdiction of a local board, is constituted or included in a borough, all the powers rights duties capacities liabilities obligations and property exerciseable by attaching to or vested in such improvement commissioners or local board (as the case may be) under this Act, or under any local Act for purposes the same as or similar to those of this Act, or under any general Act of Parliament, within or for the benefit of such district or part of a district, shall pass to and be exerciseable by and vested in the council of such borough.

Provision where improvement Act district or local government district becomes a borough.

The transfer by virtue of the Public Health Act, 1872, of the powers rights duties capacities liabilities obligations and property of any local board or improvement commissioners to an urban sanitary authority, shall be deemed to have included all powers rights duties capacities liabilities obligations and property exerciseable by attaching to or vested in such local board or improvement commissioners as a burial board under any general Act of Parliament.

311. Any local board constituted either before or after the passing of this Act may, with the sanction of the Local Government Board, change their name. Every such change of name shall be published in such manner as the Local Government Board may direct. No such change of name shall affect any rights or obligations of the local board, or render defective any legal proceedings instituted by or against the local board; and any legal proceedings may be continued or commenced against the local board by their new name which might have

Power of local boards to change name.

been continued or commenced against the local board by their former name.

As to election of certain improvement commissioners, &c.

312. The retirement and mode of election of members of any authority invested by any local Act with powers of town government and rating, whose retirement and mode of election were at the time of the passing of this Act regulated by the Local Government Acts, shall be regulated in all respects by the rules for election of local boards contained in schedule II. to this Act; but this enactment shall not affect the qualification fixed for members of such authority by the local Act under which such authority are constituted, or the qualification and tenure of office of any ex officio members of such authority.

Substitution in other Acts of provisions of this Act for provisions of repealed Acts.

313. Where in any Act, or order made by one of Her Majesty's Principal Secretaries of State or by the Local Government Board and in force at the time of the passing of this Act, or in any document, any provisions of any of the Sanitary Acts which are repealed by this Act are mentioned or referred to, such Act order or document shall be read as if the provisions of this Act applicable to purposes the same as or similar to those of the repealed provisions were therein mentioned or referred to instead of such repealed provisions and were substituted for the same; nevertheless those substituted provisions shall have effect subject to any modification or restriction in such Act order or document expressed in relation to the repealed provisions therein mentioned or referred to.

Byelaws as to hop-pickers.

314. Any local authority may, if they think fit, make byelaws for securing the decent lodging and accommodation of persons engaged in hop-picking within the district of such authority.

As to byelaws inconsistent with this Act.

315. Any byelaw made by any sanitary authority under the Sanitary Acts which is inconsistent with any of the provisions of this Act shall so far as it is inconsistent therewith be deemed to be repealed.

As to construction of incorporated Acts.

316. In the construction of the provisions of any Act incorporated with this Act the term "the special Act" includes this Act, and, in the case of the Lands Clauses Consolidation Acts, 1845, 1860, and 1869, any order confirmed by Parliament and authorising the purchase of lands otherwise than by agreement under this Act; the term "the limits of the special Act" means the limits of the district; and the urban or rural authority shall be deemed to be "the promoters of the undertaking," "the commissioners," or the "undertakers," as the case may be.

All penalties incurred under the provisions of any Act incorporated with this Act shall be recovered and applied in the same way as penalties incurred under this Act.

317. The schedules to this Act shall be read and have effect as part of this Act. **Construction of schedules.**

The forms contained in schedule IV. to this Act, or forms to the like effect, varied as circumstances may require, may be used and shall be sufficient for all purposes.

Temporary Provisions.

318. Nothing in this Act shall affect the rights or position of any clerk or treasurer the tenure of whose office is regulated by section twelve of the Public Health Act, 1872. **As to clerk and treasurer of certain authorities.**

319. Nothing in this Act shall affect the making and levying of any special district rates, or the discharge of sums borrowed on the credit of any special district rates, or any right or remedy for the recovery of the same, under any provision of the Local Government Acts in force at the time of the passing of this Act. **As to special district rates.**

320. Where under the provisions of any local Act in that behalf any expenses directed by this Act to be paid in the case of a council of a borough out of the borough fund or borough rate were, before the passing of the Public Health Act, 1872, divided between landlord and tenant in moieties or otherwise, the Local Government Board may, on the application either of landlord or tenant, by order make provision for the continuance of such division of expenses during the continuance of any contract existing between them at the passing of the last-mentioned Act. **Division of expenses between landlord and tenant in certain cases.**

321. Where by any sanction to a loan given or by any provisional order made under the Sanitary Acts, it is directed that the sums borrowed shall be repaid within a limited period of years from the date of the borrowing thereof, any security which has been given for a sum so borrowed shall not be invalid by reason of the sum having been made repayable within a period less than the period so limited. **Validity of certain securities.**

322. Where by any local Act powers are conferred on any turnpike trustees for any purposes the same as or similar to any of the purposes of the Sanitary Acts or of this Act, such trustees shall not be deemed to be an urban authority under this Act, but all their powers and obligations under such local Act for such purposes shall be transferred to the local authority within whose district the area to which such local Act applies is contained. **As to certain turnpike trustees.**

323. Where any district has been constituted in pursuance of the provisions of the Public Health Act, 1848, for the purposes of main sewerage only, or where a district has been formed subject to the jurisdiction of a joint sewerage board in pursuance of the Sewage Utilization Act, 1867, the Local Government Board may by provisional order dissolve such **As to main sewerage districts and joint sewerage boards.** 11 & 12 Vict. c. 63.

district, or may constitute such district a united district subject to the jurisdiction of a joint board in manner provided by this Act, without application previous to the making of any such order; and until an order has been made by the Local Government Board under this section, the authority of any such district shall continue to be the authority thereof and their members shall be elected as if this Act had not passed: Provided that the provisions of this Act applicable to purposes the same as or similar to those of any enactments of the Sanitary Acts which are in force within the district of any such authority at the time of the passing of this Act and are repealed by this Act shall be deemed to be substituted for those enactments.

Any order made under this section may if necessary provide for the settlement of any differences or the adjustment of any accounts or the apportionment of any liabilities arising between districts parishes or other places in consequence of the exercise of any of the powers conferred by this section, and may direct the persons by and to whom any moneys found to be due are to be paid and the mode of raising such moneys.

As to audit of certain accounts.

324. The accounts of any urban or rural sanitary authority under the Sanitary Acts by this Act repealed, not audited at the time of the passing of this Act, shall be deemed for the purposes of audit to be accounts of such authority under this Act.

As to certain orders under section 20 of 35 & 36 Vict. c. 79.

325. The power conferred by section twenty of "The Public Health Act, 1872," of temporarily constituting a port sanitary authority shall be deemed to have authorised a renewal from time to time of any order made under that section

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PART XI.

SAVING CLAUSES AND REPEAL OF ACTS.

Saving Clauses.

Provision as to the sanitary authorities existing at the passing of this Act and their officers, &c.

326. All urban sanitary authorities and rural sanitary authorities existing at the time of the passing of this Act shall be deemed to be urban authorities and rural authorities under this Act; and all joint boards, port sanitary authorities, committees of rural sanitary authorities, and parochial committees, and all local government districts constituted in pursuance of the Sanitary Acts, and existing at the time of the passing of this Act, shall be deemed to be joint boards, port sanitary authorities, committees of rural sanitary authorities, and parochial committees, and local government districts under this Act; and the members of all the above-mentioned bodies shall hold office (subject to the provisions of this Act respecting the election of members of local boards) for such time as they

would respectively have held office if this Act had not been passed; and the officers and servants of all the above-mentioned bodies shall continue to hold their several offices and employments on the same terms and subject to the same conditions, as to duties remuneration and otherwise, as they would have held them if this Act had not been passed; and all byelaws duly made under any of the Sanitary Acts by this Act repealed and not inconsistent with any of the provisions of this Act shall be deemed to be byelaws under this Act; and all the provisions of this Act shall apply to all such bodies existing at the time of the passing of this Act, and to their several officers and servants, in substitution for the provisions of the Sanitary Acts by this Act repealed, but so as not to affect any right acquired or liability incurred under the Sanitary Acts, or any of them, before the passing of this Act, and existing at the time of the passing of this Act.

Saving for works and property of certain authorities, and for navigation and water rights, &c.

327. Nothing in this Act shall be construed to authorise any local authority—

(1.) To use injure or interfere with any sluices floodgates sewers groynes or sea defences or other works, already or hereafter made under the authority of any commissioners of sewers appointed by the Crown, or any sewers or other works already or hereafter made and used by any body of persons or person for the purpose of draining preserving or improving land under any local or private Act of Parliament, or for the purpose of irrigating land; or

(2.) To disturb or interfere with any lands or other property vested in the Lord High Admiral of the United Kingdom or the Commissioners for executing the office of the Lord High Admiral for the time being or in Her Majesty's Principal Secretary of State for the War Department for the time being; or

(3.) To interfere with any river canal dock harbour lock reservoir or basin, so as to injuriously affect the navigation thereon, or the use thereof, or to interfere with any towing-path so as to interrupt the traffic thereof, in cases where any body of persons or person are or is by virtue of any Act of Parliament entitled to navigate on or use such river canal dock harbour lock reservoir or basin, or to receive any tolls or dues in respect of the navigation thereon or use thereof; or

(4.) To interfere with any watercourse in such manner as to injuriously affect the supply of water to any river canal dock harbour reservoir or basin, in cases where any such body of persons or person as last aforesaid would, if this Act had not passed, have been entitled by law to prevent or be relieved against such interference; or

(5.) To interfere with any bridges crossing any river canal dock harbour or basin, in cases where any body of persons or person are or is authorised by virtue of any Act of Parliament to navigate or use such river canal dock harbour or basin, or to demand any tolls or dues in respect of the navigation thereon or use thereof; or

(6.) To execute any works in through or under any wharves quays docks harbours or basins, to the exclusive use of which any body of persons or person are or is entitled by virtue of any Act of Parliament, or for the use of which any body of persons or person are or is entitled by virtue of any Act of Parliament to demand any tolls or dues,—

Without the consent in every case of such Lord High Admiral or Commissioners for executing the office of Lord High Admiral, Secretary of State, commissioners, body of persons or person as are herein-before in that behalf respectively mentioned, such consent to be expressed in writing in the case of a corporation under their common seal, and in the case of any body of persons not being a corporation under the hand of their clerk or other duly authorised officer or agent. And nothing in this Act shall prejudice or affect the rights privileges powers or authorities given or reserved to any person under such local or private Acts for draining preserving or improving land as are in this section mentioned

Reference to arbitration in case of works not within preceding section.

328. Where any matters or things proposed to be done by any local authority, and not being within the prohibition aforesaid, interfere with the improvement of any river canal dock harbour lock reservoir basin or towing-path which any body of persons or person are or is entitled by virtue of any Act of Parliament to navigate on or use, or in respect of the navigation whereon or use whereof to demand any tolls or dues, or interfere with any works belonging to such river canal dock harbour or basin, or with any land necessary for the enjoyment or improvement thereof, the local authority shall give to such body of persons or person a notice specifying the particulars of the matters and things so intended to be done. If the parties on whom such notice is served do not consent to the requisitions thereof, the matter in difference shall be referred to arbitration; and the following questions shall be decided by such arbitration; (that is to say,)

(1.) Whether the matters or things proposed to be done by the local authority will cause any injury to such river canal dock harbour basin towing-path works or land, or to the enjoyment or improvement of such river canal dock harbour or basin as aforesaid:

(2.) Whether any injury that may be caused by such matters or things, or any of them, is or is not of a nature to admit of being fully compensated by money

329. The result of any such arbitration shall be final, and the local authority shall do as follows; (that is to say,) Effect of arbitration.

(1.) If the arbitrators are of opinion that no injury will be caused, the local authority may forthwith proceed to do the proposed matters and things:

(2.) If the arbitrators are of opinion that injury will be caused, but that such injury is of a nature to admit of being fully compensated by money, they shall proceed to assess such compensation; and on payment of the amount so assessed, but not before, the local authority may proceed to do the proposed matters and things:

(3.) If the arbitrators are of opinion that injury will be caused, and that it is not of a nature to admit of being fully compensated by money, the local authority shall not proceed to do any matter or thing in respect of which such opinion may be given.

330. No transfer of powers and privileges under this Act shall deprive any body of persons or person authorised by virtue of any Act of Parliament to navigate on any river or canal, or to demand for their or his own benefit in respect of such navigation any tolls or dues, of such powers and privileges as are vested in them by any Act of Parliament in relation to such river or canal. Provision as to transfer of powers, &c.

331. Any body of persons or person authorised by virtue of any Act of Parliament to navigate on or use any river canal dock harbour or basin, or to demand any tolls or dues in respect of the navigation on such river or canal, or the use of such dock harbour or basin, may, at their own expense, and on substituting other sewers drains culverts and pipes equally effectual, and certified as such by the surveyor to the local authority, take up, divert, or alter the level of any sewers drains culverts or pipes constructed by any local authority, and passing under or interfering with such rivers canals docks harbours or basins, or the towing-paths thereof, and may do all such things as may be necessary for carrying into effect such taking up diversion or alteration. Provision as to alteration of sewers.

332. Nothing in this Act shall be construed to authorise any local authority to injuriously affect any reservoir canal river or stream or the feeders thereof or the supply quality or fall of water contained in any reservoir canal river stream or in the feeders thereof, in cases where any body of persons or person would, if this Act had not passed, have been entitled by law to prevent or be relieved against the injuriously affecting such reservoir canal river stream feeders or such supply quality or fall of water, unless the local authority first obtain the consent in writing of the body of persons or person so entitled as aforesaid. Saving for water rights generally.

Arbitration as to alteration of sewers injuriously affecting supply of water, &c

333. Any difference of opinion that may arise between a local authority and any such body of persons or person as aforesaid, whether any sewers drains culverts or pipes substituted under the powers of this Act for sewers drains culverts or pipes constructed or laid down by any local authority are equally effectual with those for which they are substituted, or whether the supply quality or fall of water in any such reservoir canal river or stream as last aforesaid is injuriously affected by the exercise of powers under this Act, may, at the option of the party complaining, be determined by arbitration in manner by this part of this Act provided. The arbitrators shall decide the same questions as to the alleged injury, and the local authority shall proceed in the same way as is by this Act provided with regard to arbitrations in cases of alleged injury to rivers canals docks harbours and basins.

Saving for mines, &c.

334. Nothing in this Act shall be construed to extend to mines of different descriptions so as to interfere with or to obstruct the efficient working of the same; nor to the smelting of ores and minerals, nor to the calcining puddling and rolling of iron and other metals, nor to the conversion of pig iron into wrought iron, so as to obstruct or interfere with any of such processes respectively.

Saving for collegiate bodies and Government departments.

335. Any collegiate or other corporate body required or authorised by or in pursuance of any Act of Parliament to divert its sewers or drains from any river, or to construct new sewers, and any public department of the Government, shall have the like powers and be subject to the like obligations under this Act as they had or were subject to under the Sewage Utilization Act, 1867; and for that purpose the provisions of this Act applicable to purposes the same as or similar to those of the Sewage Utilization Act 1865 and the Sewage Utilization Act 1867 shall apply in substitution for the last-mentioned provisions.

Saving for Metropolitan Board of Works.

336. Nothing in or done under this Act shall affect any outfall or other works of the Metropolitan Board of Works (although beyond the metropolis) executed under the Metropolis Management Act, 1855, and the Acts amending the same, or take away, abridge, or prejudicially affect any right power authority jurisdiction or privilege of the Metropolitan Board of Works.

Saving for payment in certain cases to local authority.

337. Nothing in this Act shall affect the payment or recovery of any yearly sum payable at the time of the passing of this Act in pursuance of the Local Government Act 1858 Amendment Act 1861, to any local authority in respect of any premises without their district which have a drain communicating with a sewer within their district: Provided that any such sum shall cease to be payable, if and when the connexion between the drain and the sewer is discontinued,

from the time of such discontinuance; but if after the discontinuance the connexion is re-established, the yearly sum shall again become payable, and so from time to time.

338. All rates orders acts or things made assessed performed or done, before the passing of this Act, by any authority purporting to act under the powers conferred on them by a local Act with respect to any sanitary purposes shall be valid, notwithstanding the passing of the Public Health Act, 1872, or of this Act.

Saving for acts of authorities under certain local Acts.

339. Nothing in this Act shall affect the composition of any local board constituted by any Order in Council or any provisional order made under the Public Health Act, 1848, and confirmed by Parliament, or the qualification or number of members of any such board; but any such Order in Council, or order so confirmed, or the Act confirming any such last-mentioned order, may be repealed altered or amended in manner provided by this Act.

Saving for certain local boards.

340. Where within the district of a local authority any local Act is in force, providing for purposes the same as or similar to the purposes of this Act, proceedings may be instituted at the discretion of the authority or person instituting the same, either under the local Act or this Act, or under both, subject to these qualifications:

(1.) That no person shall be punished for the same offence both under a local Act and this Act; and

(2.) That the local authority shall not, by reason of any local Act in force within their district, be exempted from the performance of any duty or obligation to which they may be subject under this Act.

Saving for proceedings under local Acts.

341. All powers given by this Act shall be deemed to be in addition to and not in derogation of any other powers conferred by Act of Parliament law or custom, and such other powers may be exercised in the same manner as if this Act had not passed; and nothing in this Act shall exempt any person from any penalty to which he would have been subject if this Act had not passed.

Provided that no person who has been adjudged to pay any penalty in pursuance of this Act shall for the same offence be liable to a penalty under any other Act.

Powers of Act to be cumulative.

Oxford.

342. The local government district of Oxford shall be subject to the jurisdiction of a local board consisting of the vice-chancellor of the university of Oxford and the mayor of Oxford for the time being, of forty-five other members, fifteen to be elected by the university of Oxford, sixteen by the town council of Oxford, and fourteen by the ratepayers of the parishes situated within the area formerly within the juris-

Constitution of local board of the Oxford district.

diction of the commissioners, for amending certain mileways leading to Oxford, and making improvements in the university and city of Oxford, the suburbs thereof and the adjoining parish of Saint Clement, and of the members for any parishes or parts of parishes which may have been or may hereafter be added to the Oxford district.

After the passing of this Act, a district formed out of the rural sanitary districts of the city of Oxford, and the Abingdon union, to be termed the "Grandpont district," shall be defined by an order of the Local Government Board, and on a day to be mentioned in such order, the said district shall form part of the said local government district of Oxford. The election of members of the said local board by the town council and by the ratepayers of the parishes and parts of parishes respectively shall be conducted at the same time, in the same way, and subject to the same regulations in and subject to which such election is conducted at the time of the passing of this Act.

As regards the district of Cowley now comprised in the said local government district of Oxford, and the district of Grandpont when added to the same district, the chairman of the said local board or, in his absence, the clerk to the local board, shall summon a meeting of the several persons rated to the relief of the poor in respect of hereditaments situated in the said Cowley and Grandpont districts respectively, by public notices under his hand, to be affixed three clear days previously to the principal doors of every church and chapel in the districts, such meeting to be held on the day when the members for the parishes are elected, and at a place in each such district to be fixed by the chairman or clerk, and the appointment of a chairman and all other the business of such meetings shall be conducted as if the meetings respectively were the meetings of a vestry in a parish.

An election of the member for the Grandpont district shall take place as soon as convenient after that district has been added to the Oxford local government district as aforesaid, and he shall continue in office until the next annual election of the said local board.

The fifteen members to be elected by the university shall be elected as follows; namely, four members shall be elected by the university in convocation, and eleven members shall be elected by the heads and senior resident bursars of the several colleges entitled by any statute of the university or otherwise to matriculate students, and by the heads of the several halls; any member of the university, being of the degree of Master of Arts, Bachelor of Civil Law, or Bachelor in Medicine, or any superior degree of the university, shall be qualified to be elected; and the elections shall be conducted by the said university, and by the colleges and halls respectively, at the same time, and in the same way, and subject to

the same regulations, in and subject to which guardians of the poor for the university and for the colleges and halls are now or may hereafter be chosen by them respectively, save that in the election of members the heads and bursars of all the colleges and the heads of all the halls shall be summoned by the vice-chancellor for that purpose, and shall be entitled to vote.

Except as above provided, nothing in this Act shall affect the provisions of any order confirmed by Parliament relating to the local government district of Oxford, and in force at the time of the passing of this Act.

Repeal of Acts.

343. The Acts specified in the first and second parts of schedule V. to this Act are hereby repealed to the extent in the third column in the said parts of that schedule mentioned, with the following qualification; (that is to say,) **Repeal of Acts in schedule V.**

That so much of the said Acts as is set forth in the third part of that schedule shall be re-enacted in manner therein appearing, and shall be in force as if enacted in the body of this Act.

Provided also, that this repeal shall not affect—

(*a.*) Anything duly done or suffered under any enactment hereby repealed; or

(*b.*) Any right or liability acquired accrued or incurred under any enactment hereby repealed; or

(*c.*) Any security given under any enactment hereby repealed; or

(*d.*) Any penalty forfeiture or punishment incurred in respect of any offence committed against any enactment hereby repealed; or

(*e.*) Any investigation legal proceeding or remedy in respect of any such right liability security penalty forfeiture or punishment as aforesaid; and any such investigation legal proceeding and remedy may be carried on as if this Act had not been passed

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SCHEDULES.

SCHEDULE I.

RULES AS TO MEETINGS AND PROCEEDINGS

(1.) *Rules applicable to Local Boards.*

1. Every local board shall from time to time make regulations with respect to the summoning notice place management and adjournment of their meetings, and generally with respect to the transaction and management of their business under this Act.

2. No business shall be transacted at any such meeting unless at least one third of the full number of members be present thereat sub-

ject to this qualification, that in no case shall a larger quorum than seven members be required.

3. Every local board shall from time to time at their annual meeting appoint one of their number to be chairman for one year at all meetings at which he is present.

4. If the chairman so appointed dies resigns or becomes incapable of acting, another member shall be appointed to be chairman for the period during which the person so dying resigning or becoming incapable would have been entitled to continue in office, and no longer.

5. If the chairman is absent from any meeting at the time appointed for holding the same, the members present shall appoint one of their number to act as chairman thereat.

6. The names of the members present, as well as of those voting on each question, shall be recorded, so as to show whether each vote given was for or against the question.

7. Every question at a meeting shall be decided by a majority of votes of the members present, and voting on that question.

8. In case of an equal division of votes the chairman shall have a second or casting vote.

9. The proceedings of a local board shall not be invalidated by any vacancy or vacancies among their members, or by any defect in the election of such board, or in the election or selection or qualification of any members thereof.

10. Any minute made of proceedings at a meeting, and copies of any orders made or resolutions passed at a meeting, if purporting to be signed by the chairman of the meeting at which such proceedings took place or such orders were made or resolutions passed, or by the chairman of the next ensuing meeting, shall be received as evidence in all legal proceedings; and, until the contrary is proved, every meeting where minutes of the proceedings have been so made shall be deemed to have been duly convened and held, and all the proceedings thereat to have been duly had.

11. The annual meeting of a local board shall be held as soon as may be convenient after the fifteenth of April in each year.

12. The first meeting of a local board for a district constituted after the passing of this Act shall be held at such place and on such day (not being more than ten days after the completion of the election) as the returning officer may by written notice to each member of the board appoint; and the members shall appoint one of their number to be chairman at such meeting, and shall also appoint one of their number to be chairman for one year at all meetings at which he is present.

13. Nothing in these rules contained with respect to the appointment of chairman shall apply to the Oxford district, and in that district a chairman shall be appointed as heretofore.

(2.) *Rules applicable to Committees of Local Authorities, other than Councils of Boroughs, and to Joint Boards.*

1. A committee or joint board may meet and adjourn as it thinks proper.

2. The quorum of a committee or joint board shall consist of such number of members as may be prescribed by the authority that appointed the committee or joint board, or, if no number is prescribed, of three members.

3. A committee or joint board may appoint a chairman of its meetings.

4. If no chairman is elected, or if the chairman elected is not present at the time appointed for holding any meeting, the members present shall choose one of their number to be chairman of such meeting.

5. Every question at a meeting shall be determined by a majority of votes of the members present and voting on that question.

6. In case of an equal division of votes the chairman shall have a second or casting vote.

7. The proceedings of a committee or joint board shall not be invalidated by reason of any vacancy or vacancies amongst their members, or any defect in the mode of appointment of such committee or joint board or of any member thereof.

8. Any minute made of proceedings at a meeting, and copies of any orders made or resolutions passed at a meeting, purporting to be signed by the chairman of the meeting at which such proceedings took place or such orders were made or resolutions passed, or by the chairman of the next ensuing meeting, shall be received as evidence in all legal proceedings; and, until the contrary is proved, every meeting where minutes of the proceedings have been so made shall be deemed to have been duly convened and held, and all the proceedings thereat to have been duly had.

SCHEDULE II.

(I.) RULES FOR ELECTION OF LOCAL BOARDS.

Number and Qualification of Members.

1. The number of members of a local board constituted after the passing of this Act shall be such number as is determined by the order forming the district.

2. The Local Government Board may from time to time by order, after local inquiry, increase or diminish the number of members of any local board, and may prescribe at what time or times and in what manner such increase or diminution shall take effect, and may vary temporarily the provisions of this schedule relating to the continuance in office and retirement of members so far as may be necessary for that purpose.

3. A person shall not be qualified to be a member of a local board unless he is at the time of his election, and so long as he continues in office by virtue of such election, resident within the district for which or for part of which he is elected, or within seven miles thereof, and is seised or possessed of real or personal estate, or both, to the value of not less than five hundred pounds in districts containing less than twenty thousand inhabitants, or to the value of not less than one thousand pounds in districts containing twenty thousand or more inhabitants; or is rated to the relief of the poor of such district, or of some parish within the same, on an annual value of not less than fifteen pounds in districts containing less than twenty thousand inhabitants, or on an annual value of not less than thirty pounds in districts containing twenty thousand or more inhabitants.

4. Where two or more persons are jointly seised or possessed of real or personal estate, or both, of such value or amount as would, if equally divided between them, qualify each to be elected, or if two or more persons are jointly rated in respect of any property which if

equally divided between them would qualify each to be elected, each of the persons so jointly seised possessed or rated may be elected, but the same property shall not at the same time qualify the owner and the occupier thereof.

5. A person who is a bankrupt or whose affairs are under liquidation by arrangement or who has entered into any composition with his creditors, shall be incapable, so long as any proceedings in relation to such bankruptcy liquidation or composition are pending, of being elected member of a local board.

Wards.

6. The Local Government Board may, by order made on application in pursuance of a resolution of owners and ratepayers passed in manner provided by schedule III. to this Act, and after local inquiry, divide any district into wards; and on the like application from time to time may abolish such wards, or alter the number or boundaries of such wards, and may determine and from time to time alter the proportion of members of the local board to be elected by each ward.

Provided that where a district has been divided into wards by a provisional order, such wards shall not be abolished or altered otherwise than by a provisional order confirmed by Parliament.

7. If any member is elected in more than one ward, he shall within three days notice thereof choose, or, in default of his choosing, the local board at their next meeting shall decide for which one of the wards the member shall serve, and he shall thereupon be held to be elected in that ward only, and a vacancy shall be held to exist in the other ward or wards, and shall be filled up as if it were a casual vacancy.

8. No person entitled to vote shall give in the whole of the wards a greater number of votes than he would have been entitled to give if the district had not been divided into wards, nor in any one ward a greater number of votes than he is entitled to in respect of property in that ward.

9. Subject as aforesaid, any owner or ratepayer may, by notice in writing delivered to the clerk of the local board, or in case of the first election to the returning officer, elect in what ward or wards he will vote for the ensuing year, and determine the proportion of votes which he will give in any one or more of such wards, and if he does not give such notice he shall not be entitled to vote for any ward in which he does not reside.

Qualification of Electors, Scale of Voting, and Register of Owners.

10. The word "owner," when used in relation to the right of voting at any election of a local board, shall mean any person for the time being in the actual occupation of any kind of property in the district or part of a district for which he claims to vote, rateable to the relief of the poor, and not let to him at a rackrent, or any person receiving on his own account, or as mortgagee or other incumbrancer in possession, the rackrent of any such property.

11. A person shall not be deemed a ratepayer or be entitled to vote as such at any such election unless he has been rated to the relief of the poor in the district or part of a district for which he claims to vote for the space of one whole year immediately preceding the day of tendering his vote, and has also before that day paid all rates made on him for the relief of the poor in such district or part

of a district for the period of one whole year, and all rates due from him under this Act, except rates which have been made or become due within the six months immediately preceding.

12. Owners of and ratepayers in respect of property situated within the district for which the election is held shall be entitled to vote according to the scale following; (that is to say,)

If the property in respect of which the person is entitled to vote is rated to the poor rate on a rateable value of less than fifty pounds, he shall have one vote; if such rateable value amounts to fifty pounds and is less than one hundred pounds, he shall have two votes; if it amounts to one hundred pounds and is less than one hundred and fifty pounds, he shall have three votes; if it amounts to one hundred and fifty pounds and is less than two hundred pounds, he shall have four votes; if it amounts to two hundred pounds and is less than two hundred and fifty pounds, he shall have five votes; and if it amounts to or exceeds two hundred and fifty pounds, he shall have six votes.

13. Any person who is owner and also bonâ fide occupier of the same property shall be entitled to vote both in respect of such ownership and of such occupation.

14. Owners may give their votes either personally or by proxy.

15. The instrument appointing a proxy shall be in writing under the hand of the appointor, or where the appointor is a corporation under their common seal, or where the appointor is a body of persons unincorporate under the hands of three directors or other persons having the direction or management of the undertaking or business carried on by such body of persons; and every such instrument shall be attested by a witness, and may be in the form M. in schedule IV. to this Act.

16. No member of a corporation or of any such body of persons (other than a partnership firm consisting of not more than six persons) shall be entitled to vote individually as owner in respect of property belonging to such corporation or body of persons.

17. Partners in a firm consisting of not more than six persons may vote as owners in respect of property of the firm as if that property were equally divided among the partners.

18. An owner or a proxy shall not (except at the first election of a local board constituted after the passing of this Act) be entitled to have a voting paper delivered to him as such, unless his name is on the register herein-after mentioned.

19. The local board shall cause a register to be made and kept, in which shall be entered the names addresses and qualifications of the owners claiming and entitled to vote, and the names or descriptions addresses and qualifications of the appointors of proxies, and the names and addresses of proxies duly appointed.

Any such register made before the passing of this Act shall be deemed to be a register or part of a register under this Act.

20. A claim by an owner or proxy to be entered on the register shall state his name and address within the district, and a description of the nature of the interest or estate in the property giving the qualification, and a statement of the amount of all rent service (if any) received or paid in respect thereof by him or the body of persons for whom he is proxy, and of the persons from whom or to whom the same is received or paid; and in the case of a proxy the claim shall be accompanied by the appointment of the proxy or an attested copy thereof.

21. A claim by an owner or proxy may be made by writing in the form L. in schedule IV. to this Act.

22. A person entitled to vote either as owner or ratepayer may object to the keeping of any name on the register by writing in the form L. in the said schedule.

23. Claims and objections shall be sent to the chairman of the local board on some one of the first six days of March, and a claim or objection sent at any other time shall not be admitted by the chairman.

24. A person making an objection shall also give written notice thereof to the person objected to by leaving the same at the address within the district of that person.

25. The chairman shall, between the twentieth of February and the first day of March, publish a notice, in the form L. in schedule IV. to this Act, and signed by him, of the time within which claims and objections are to be made as aforesaid, and shall cause a copy of such notice to be inserted in some local newspaper circulating in the district and to be affixed at the places where parochial notices are usually affixed.

26. The chairman on the expiration of the time for sending in claims and objections shall with the assistance of such persons (if any) as the local board may appoint, proceed forthwith to revise the register by entering thereon the names of the persons who have claimed and are proved to his satisfaction to be entitled to vote as owners or proxies respectively, and the other particulars by this schedule required to be entered with respect to owners and proxies, and by expunging from the register the names of owners and proxies who are proved to his satisfaction to be dead or to have ceased to be entitled to vote.

27. For the purpose of enabling the chairman to determine the validity of claims and objections he may examine such persons and call for such evidence from the persons making the same as he may think fit; any person may tender himself to be examined; but no person shall be entitled to be examined or to be heard before the chairman in support either of a claim or an objection.

28. Not later than the sixteenth of March the chairman shall close the revision and sign the revised register, and that register shall continue in force for the twelve months next ensuing.

29. If the chairman is unable or unwilling to conduct the revision of the register, the local board shall appoint some person to conduct the revision, and in default of such appointment the revision shall be conducted by the clerk to the local board. Any person so appointed or the clerk shall for the purposes of the revision have the same powers and duties as the chairman of the local board.

30. The register shall be open to the inspection of candidates and other persons interested in any election or in any question at which any such owner or proxy claims to vote, subject to such rules as the local board may prescribe for the prevention of loss injury or disorder.

31. At the first election of a local board constituted after the passing of this Act an owner or proxy shall be entitled to have a voting paper delivered to him if not less than fourteen days before the last day appointed for delivery of the voting papers he sends a claim in writing to the returning officer containing such particulars as are herein-before required to be contained in claims to be entered on the register of owners and proxies.

Returning Officer.

32. The returning officer, for the purposes of the election of a local board, shall be the chairman of the board, or in the case of the first election, if the district is constituted by provisional order, such person as may be appointed by order of the Local Government Board; and if the district is constituted in pursuance of a resolution of owners and ratepayers, the summoning officer of the meeting of owners and ratepayers; and all powers and duties by this Act vested in or imposed on the returning officer, and all other duties requisite to be performed by him in relation to such election, shall be exercised and performed by the chairman or such person as aforesaid.

33. If the office of chairman is vacant at the time when any such power or duty must be exercised or performed, or if the chairman or such other person as aforesaid, from illness or other sufficient cause, is unable to exercise or perform such powers or duties, or is absent, or refuses to act, some other person shall be appointed (in case of the first election) by the Local Government Board, and (in any other case) by the local board, to exercise or perform such powers and duties.

34. The local board, or (in case of the first election) the returning officer, shall, before or during the election, appoint a competent number of persons to assist the returning officer in conducting and completing the same.

35. If any returning officer appointed by the Local Government Board dies refuses or becomes incapable to act, the Local Government Board may appoint another person to act in his stead.

Election.

36. The returning officer shall after the close of the revision of the register but not less than fourteen days before the last day appointed for delivery to him of nomination papers, publish a notice, signed by him, and specifying—

The number and qualification of the persons to be elected;

The place where the nomination papers herein-after mentioned are to be delivered or sent to him;

The last day on which they are to be delivered or sent in;

The mode of voting in case of a contest;

The day or days on which the voting papers will be delivered and the day on which they will be collected; and

The place for the examination and for the casting up of the votes;

and shall also cause copies of such notice to be affixed at the places where parochial notices are usually affixed.

37. The returning officer may, if he thinks fit, cause to be made an alphabetical list of the persons entitled to vote at the election.

38. The clerk of the board of guardians of any union, and the overseers or other officers of every parish wholly or in part within the parts for which the election is held, and having the custody of any books or papers relating to the election of guardians of the poor, or of the poor rate books relating to any such parish, shall permit the same to be inspected and copies or extracts to be taken therefrom by the returning officer. Any person having the custody of any such books or papers who refuses to permit the same to be inspected, or copies or extracts to be taken therefrom, shall be liable to a penalty not exceeding five pounds.

39. Any person entitled to vote may nominate for the office of member of the local board himself (if qualified to be elected), or any

other person or persons so qualified (not exceeding the number of persons to be elected).

40. Every such nomination shall be in writing, and shall state the names and residence and calling or quality of the person or persons nominated, and shall be signed by the person nominating, and be delivered or sent to the returning officer.

41. Any person nominated may withdraw from his candidature by giving notice to that effect, signed by him, to the returning officer.

42. If the number of persons nominated and not withdrawn is the same as or less than the number of persons to be elected, such persons (if duly qualified) shall be deemed and shall be certified by the returning officer under his hand to be elected.

43. If the number nominated and not withdrawn exceeds the number to be elected, the returning officer shall cause voting papers, in the form N. contained in schedule IV. to this Act, to be prepared and filled up, and shall insert therein the names and residence and the calling or quality of each of the persons nominated and not withdrawn, in the alphabetical order of the surnames of such persons, but it shall not be necessary to insert more than once the name of any person nominated.

44. The returning officer shall, three days at least before the day of collection of the voting papers, cause one of such voting papers to be delivered, by persons appointed by him for that purpose, at the address stated in the register or claim of each owner and proxy, and at the residence within the district of each ratepayer entitled to vote therein.

45. Each voter shall write his initials in the voting paper delivered to him against the name or names of the person or persons (not exceeding the number of persons to be elected) for whom he intends to vote, and shall sign such voting paper.

46. Any person voting as a proxy shall in like manner write his own initials and sign his own name, and state also in writing the name of the person or body of persons for whom he is proxy.

47. Any voter unable to write shall affix his mark at the foot of the voting paper in the presence of a witness, who shall attest and write the name of the voter against the mark, as well as the initials of such voter against the name of every candidate for whom the voter intends to vote.

48. The returning officer shall cause the voting papers to be collected on the day of collection (which shall not be later than the seventh of April) by such persons as he may appoint.

49. No voting paper shall be received or admitted unless the same has been delivered at the address or residence as aforesaid of the voter, nor unless the same is collected by the persons appointed for that purpose: Provided—

(*a.*) That if any person entitled to receive a voting paper has not received a voting paper as aforesaid, he shall, on personal application before the day of collection to the returning officer, be entitled to receive a voting paper from him, and to fill up the same in his presence, and then and there to deliver the same to him:

(*b.*) That if any voting paper duly delivered has not been collected, through the default of the returning officer or the persons appointed to collect the same, the voter in person may deliver the same to the returning officer before twelve o'clock at noon on the day or on the first day (as the case may be) appointed for the examination and casting up of the votes.

50. If any person nominated, or any person on his behalf, gives at least one clear day's notice in writing to the returning officer, before the delivery or collection of the voting papers, of an intention to send some agent to accompany the deliverer or collector of the papers, the returning officer shall make his arrangements so as to enable the person appointed by him to be so accompanied, but no such agent shall interfere in any respect in the delivery or collection of the voting papers.

Counting of Votes.

51. The returning officer shall on the day immediately following the day of collection of the voting papers, and on as many days immediately succeeding as may be necessary, attend at the place appointed for the examination and casting up of the votes, and ascertain the validity of the votes, by an examination of the rate books and such other books and documents as he may think necessary, and by examining such persons as he may see fit; he shall cast up such of the votes as he finds to be valid, and to have been duly given collected or received, and shall ascertain the number of such votes for each candidate.

Any candidate may himself attend or may appoint any agent to attend the examination and casting up of the votes; any candidate or agent so attending who obstructs or in any way interferes with the examination and casting up of the votes may, by order of the returning officer, be forthwith removed from the place appointed for that purpose, and if so removed shall not be permitted to return.

52. The candidates to the number to be elected who, being duly qualified, have obtained the greatest number of votes, shall be deemed and shall be certified by the returning officer under his hand to be elected, and to each person so elected the returning officer shall forthwith send or deliver notice of his election.

53. The returning officer shall also cause to be made a list containing the names of the candidates, together with (in case of a contest) the number of votes given for each, and the names of the persons elected, and shall sign and certify such list, and shall deliver the same, together with the nomination and voting papers which he has received, to the local board at their first or next meeting (as the case may be), who shall cause the same to be deposited in their office.

54. Such list shall during office hours be open to public inspection, together with all other documents relating to the election, for six months after the election, without fee or reward; and the returning officer shall, as soon as may be after the completion of the election, cause such list to be printed, and copies thereof to be affixed at the usual places for affixing parochial notices within the parts for which the election has taken place.

55. The returning officer shall make all his arrangements for the conduct of the election so as to ensure its completion, and the ascertainment of the result, on or before the fifteenth of April in each year; and on that day the candidates elected shall come into office, and until that day the members in whose room they are elected shall continue to hold office.

Provided that the first election of a local board for a district constituted after the passing of this Act may be held at any time mentioned in the order constituting the district, and the members shall come into office on the day appointed for their first meeting, but shall for the purposes of retirement be deemed to have come into office on the fifteenth of April next following the commencement of the order.

Declaration to be made by Members.

56. A person shall not act as a member of a local board (except in administering the following declaration) until he has made and signed before two or more other members of such board a declaration in writing to the effect following; (that is to say,)

'I *A.B.* do solemnly declare, that I am seised or possessed of
' real or personal [*or* real and personal] estate to the value or
' amount of [*or* that I am rated to the relief of the
' poor of on the annual value of .]
' (Signed) *A.B.*
' Made before us, *C.D.* and *E.F.*, members of the
' Local Board for the District of this
' day of .'

57. Such declaration shall be signed by the person making the same, and shall be filed and kept by the clerk of the local board; and any person who falsely or corruptly makes and subscribes such declaration, knowing the same to be untrue in any material particular, shall be deemed guilty of a misdemeanour.

58. Any person who neglects to make and subscribe the declaration required by this Act for the space of three months next after he has become a member of the local board shall be deemed to have refused to act, and shall cease to be a member of such local board, and his office as such shall thereupon become vacant.

Retirement of Members.

59. Subject as herein-after mentioned, one third of the number of members elected for the district, or if the district is divided into wards, one third of the number elected for each ward (being those who have been longest in office), shall go out of office on the fifteenth of April in each year.

60. The order in which the persons elected at the first election of a local board for a district constituted after the passing of this Act shall go out of office shall be regulated by the local board, and if the number of persons to be elected is not divisible by three, the proportion to go out of office in each year shall be regulated by the local board so that as nearly as may be one third shall go out of office in each year.

61. No person elected shall in any case continuously remain in office (without re-election) for more than three years: Provided that if the number of persons to be elected for any ward is less than three, the persons elected shall go out of office on the fifteenth of April in such year or years as the local board may, with the sanction of the Local Government Board, determine.

62. Before the fifteenth of April in each year a number of persons equal to the number of retiring members shall be elected in manner provided by this schedule, and so many others as may be necessary to complete the full number of the local board in respect of which the election is held.

63. Any person who has ceased to be a member is re-eligible (if qualified).

Disqualification of Members.

64. Any member who ceases to hold his qualification, or becomes bankrupt, or submits his affairs to liquidation by arrangement, or compounds with his creditors, or is absent from meetings of the local board for more than six months consecutively (unless in case of

illness), or accepts or holds any office or place of profit under the local board of which he is member, or in any manner is concerned in any bargain or contract entered into by such board, or participates in the profit thereof, or of any work done under the authority of this Act in or for the district, shall, except in the cases next herein-after provided, cease to be such member, and his office as such shall thereupon become vacant:

Provided that no member shall vacate his office—

By reason of his being interested in the sale or lease of any lands or in any loan of money to the local board; or

By reason of his being interested in any contract with the local board as a shareholder in any joint stock company, but he shall not vote at any meeting of the local board on any question in which such company are interested, save that in the case of a water company, or other company established for the carrying on of works of a like public nature, this prohibition may be dispensed with by the Local Government Board.

Casual Vacancies.

65. Any casual vacancy occurring by death resignation disqualification failure duly to elect members or otherwise in a local board shall be filled up by the local board out of qualified persons within six weeks or within such further period as the Local Government Board may by order allow; but the member so chosen shall retain his office so long only as the vacating member would have retained the same if no vacancy had occurred.

In the event of a casual vacancy, or of an ordinary vacancy which ought to have been filled up at a previous election, being filled up at an annual election, if there is a poll, the member who has been elected by the fewest votes shall be deemed elected to fill such vacancy; if there is no poll, the member to be deemed to be elected to fill such vacancy shall be determined by lot.

General Provisions.

66. Whenever the day appointed for the performance of any act in relation to any election is a Sunday, Christmas Day, or Good Friday, a Bank holiday, or any day appointed for public fast or thanksgiving, such act shall be performed on the day next following, unless it is one of the days excluded as aforesaid; and in that case on the day following such excluded day.

67. The necessary expenses attendant on any election, and such reasonable remuneration to the returning officer and other persons for services performed or expenses incurred by them in relation thereto as may be allowed, by the local board, shall be paid out of the general district rates levied under this Act.

68. If the returning officer refuses or neglects to comply with any of the provisions of this schedule relating to elections, he shall be liable to a penalty not exceeding fifty pounds; and any person employed for the purposes of any such election by or under the returning officer who is guilty of any such neglect or refusal shall be liable to a penalty not exceeding five pounds.

69. Any person who—

Fabricates in whole or in part or alters defaces destroys abstracts or purloins any voting paper, or

Personates any person entitled to vote at any election, or

Falsely assumes to act in the name or on the behalf of any person so entitled to vote, or

Interferes with the delivery or collection of any voting papers, or

Delivers any voting paper under a false pretence of being lawfully authorised so to do,

shall be liable to a penalty not exceeding twenty pounds, or, in the discretion of the court, to imprisonment with or without hard labour for any period not exceeding three months.

70. Any person who, not being duly qualified to act as member of the local board, or not having made and subscribed the declaration required of him by this Act, or being disabled from acting by any provision of this Act, acts as such member, shall be liable to a penalty of fifty pounds, which may be recovered by any person, with full costs of suit, by action of debt; in such action it shall be sufficient for the plaintiff to prove in the first instance that the defendant at the time when the offence is alleged to have been committed acted as such member; and the burden of proving qualification, and the making and subscription of the declaration, or of negativing disqualification by reason of non-residence or not being seised or possessed of the requisite real or personal estate, or both, shall be on the defendant.

But all acts and proceedings of any person disqualified disabled or not duly qualified, or who has not made and subscribed the declaration required by this Act, shall, if done previously to the recovery of the penalty mentioned in this Act, be valid and effectual to all intents and purposes.

As to Local Boards established before the passing of the Local Government Act, 1858.

71. Where the district of a local board established under the Public Health Act, 1848, before the passing of the Local Government Act, 1858, comprises the whole or any part of a borough or boroughs, and also parts not within the boundaries of any such borough, the following provisions shall have effect. (namely,)

(*a.*) Each person selected by the council of any such borough out of their own number shall be a member of the local board with which he is selected to act, so long as he continues without re-election to be member of the council from whom he was selected, and no longer; and a declaration shall not be required to be made by any person so selected:

(*b.*) Each person selected by any such council otherwise than out of their own number shall be a member of the local board with which he is selected to act, for one year from the date of his selection, and no longer:

(*c.*) In case of any vacancy in the number selected some other qualified person shall be selected by the council by whom the person causing the vacancy was selected, within one month after the occurrence of the vacancy:

(*d.*) The meeting of any council at which any selection as aforesaid is made in pursuance of this Act shall to all intents and purposes be deemed to be a meeting held in pursuance of the Act of the session of the fifth and sixth years of the reign of King William the Fourth, intituled "An Act for "the Regulation of Municipal Corporations in England and "Wales," and any Act amending the same:

(*e.*) If any person is both selected and elected to be a member of any such local board, he shall, within three days after notice thereof from the clerk, choose, or, in default of such choice, the local board of which he is so selected and elected to be member shall determine, the title in respect of which he shall serve; and immediately on such choice or determination the person so selected and elected shall be deemed to be member only in respect of the title so chosen or determined, and his office as member in respect of any other title shall thereupon become vacant.

72. Elective members of any local board established under the Public Health Act, 1848, before the passing of the Local Government Act, 1858, shall be elected by such owners of property and ratepayers and in such manner as in this schedule mentioned; and the provisions of this schedule (with the exception of the provisions relating to the number and qualification of members) shall apply accordingly.

Temporary Provisions.

73. All members of local boards existing at the time of the passing of this Act shall, notwithstanding any provision of any Act or order confirmed by Parliament, continue to hold office till the fifteenth day of April one thousand eight hundred and seventy-six; and the next election of members of such local boards shall be held in accordance with the provisions of this schedule.

74. The provisions of section twenty-six of the Sanitary Law Amendment Act, 1874, shall be deemed not to have been compulsory in the case of the first election of members of any local board elected after the passing of that Act, and before the passing of this Act; and all elections held or purporting to have been held in accordance with such provisions before the passing of this Act, shall be deemed to have been duly held, and to be valid for all purposes.

Oxford.

75. Nothing in the rules in this schedule shall apply to the local government district of Oxford.

(II.) PROCEEDINGS IN CASE OF LAPSE OF LOCAL BOARD.

1. Where any local board lapses through its members ceasing to hold office, and failure to elect new members in manner by this Act provided, any mortgagee or other person entitled to any principal or interest on any mortgage of rates made by such local board may, without prejudice to any other mode of recovery, apply for the appointment of a receiver to a court of summary jurisdiction. The said court may, by writing under their hands, appoint a person to make levy and collect the whole or a competent part of the rates liable to the payment of the principal and interest in respect of which the application is made, and to recover all arrears of such rates until such principal and interest, together with the costs of the application and of collection, are paid; and on such appointment being made, all such rates, competent part thereof and arrears, shall be paid to the receiver so appointed, and shall be rateably apportioned by him among the mortgagees or other persons entitled to the same.

2. In the case of any lapse of a local board, the owners and ratepayers of the district may, by resolution passed in manner provided by schedule III. to this Act, determine to elect, and may accordingly

proceed to the election of a new local board in manner provided by this schedule, and the result of such election shall be signified to the Local Government Board by the returning officer; and all the powers rights duties property and liabilities of the lapsed board shall attach to the new board as if there had been no lapse before the election thereof, and from the date of the completion of such election all powers of any receiver to make rates under this schedule shall determine.

If no election takes place in pursuance of this provision within three months from the date of the lapse of the board, the Local Government Board may by order dissolve the district, and declare it to be a rural district, or to be included in any adjoining rural district; and from and after a day named in such order all such powers rights duties property and liabilities of the lapsed board as the Local Government Board may direct shall with respect to the dissolved district attach to the rural authority named in the order, and such property shall be held by the rural authority for the benefit of the dissolved district.

The Local Government Board may by order determine any question as to the fact of a local board having lapsed, or as to the date of the lapse of any local board.

SCHEDULE III.

Rules as to Resolutions of Owners and Ratepayers.

(1.) For the purpose of passing a resolution of owners and ratepayers under this Act, a meeting shall be summoned on the requisition of any twenty ratepayers or owners, or of any twenty ratepayers and owners, resident in the district or place with respect to which the resolution is to be passed.

(2.) The summoning officer of such meeting shall be—

In boroughs, the mayor;

In improvement Act districts, the chairman of the improvement commissioners;

In local government districts, the chairman of the local board;

In places situated in any rural district or districts and having known and defined boundaries, the churchwardens or one of them having jurisdiction co-extensive with the place; or if there are no churchwardens, the overseers or one of them having the like jurisdiction; or if there is none of the officers respectively above enumerated, or if such officer in any case neglects, is unable, or refuses to perform the duties hereby imposed on him, by any person appointed by the Local Government Board.

Where the boundaries of a place are settled by order of the Local Government Board, the Board shall by such order appoint the summoning officer.

If any summoning officer appointed by the Local Government Board dies, becomes incapable, or refuses or neglects to act, the Local Government Board may appoint another officer in his room.

(3.) Ratepayers or owners making a requisition for the summoning of such meeting shall, if required, give security in a bond, with two sufficient sureties, for repayment to the summoning officer, in the

event of the resolution not being passed, of the costs incurred in relation to such meeting or any poll taken in pursuance of any demand made thereat; the amount of the security to be given by such sureties, and their sufficiency, and the amount of such costs, to be settled by agreement between the summoning officer and such ratepayers or owners, or, in case of dispute, by a court of summary jurisdiction.

(4.) The summoning officer shall, on such requisition as aforesaid, fix a time and place for holding such meeting, and shall forthwith give notice thereof—

By advertisement in some one or more of the local newspapers circulated in the district or place;

By causing such notice to be affixed to the principal doors of every church and chapel in the place to which notices are usually affixed.

(5.) The summoning officer shall be the chairman of the meeting unless he is unable or unwilling to preside, in which case the meeting on assembling shall choose one of its number as chairman, who may, with the consent of a majority of the persons present, adjourn the same from time to time.

(6.) The chairman shall propose to the meeting the resolution, and the meeting shall decide for or against its adoption: Provided, that if any owner or ratepayer demands that such question be decided by a poll of owners and ratepayers, such poll shall be taken by voting papers in the form O. in schedule IV. to this Act, in the same way and with the same incidents and conditions as to the qualification of electors and scale of voting, as to notice to be given by the returning officer, delivery filling up and collection of voting papers, as to the counting of votes, as to penalties for neglect or refusal to comply with the provisions of the Act, and in all respects whatsoever as is provided by the rules for the election of local boards in schedule II. to this Act; except that in districts or places where there is no register of owners and proxies under this Act, any owner or proxy shall be entitled to have a voting paper delivered to him if at least fourteen days before the last day appointed for delivery of the voting papers he sends a claim in writing to the summoning officer containing the particulars required by schedule II. to this Act to be contained in claims to be entered on the register of owners and proxies, and except that the provisions with respect to certain specified days of the month shall not apply.

For the purposes of such poll the summoning officer shall be the returning officer, and shall have the powers and perform the duties of a returning officer under schedule II. to this Act, so far as the same are applicable to a poll under this schedule.

If no poll is demanded, or the demand for a poll is withdrawn by the persons making the same, a declaration by the chairman shall, in the absence of proof to the contrary, be sufficient evidence of the decision of such meeting.

(7.) A copy, under the hand of the summoning officer, of every resolution so passed, shall be forwarded by him to the Local Government Board; and it shall be his duty to publish a copy thereof by advertisement for three successive weeks in some one or more of the local newspapers circulated in the district or place, and by causing a copy thereof to be affixed to the principal doors of every church and chapel in the place to which notices are usually affixed.

(8.) Where in pursuance of a resolution passed in manner provided by this schedule any place is constituted a local government district,

all costs incurred by the summoning officer in relation to the meeting, and any poll taken in pursuance of any demand made thereat, shall be a first charge on the general district rates leviable within such district; in the case of a resolution so passed by owners or ratepayers in any urban district, such costs shall be paid out of the fund or rate applicable by the urban authority to the general purposes of this Act.

SCHEDULE IV.

FORMS.

FORM A.

Form of Notice requiring Abatement of Nuisance.

To [*person causing the nuisance, or owner or occupier of the premises whereon the nuisance exists, as the case may be*].

Take notice that under the provisions of the Public Health Act, 1875, the [*describe the local authority*], being satisfied of the existence of a nuisance at [*describe premises or place where the nuisance exists*], arising from [*describe the cause of nuisance, for instance,* want of a privy or drain; *or for further instance,* a ditch or drain so foul as to be a nuisance or injurious to health; *or for further instance,* swine kept so as to be a nuisance or injurious to health], do hereby require you within from the service of this notice to abate the same, and for that purpose to [*state any things required to be done or works to be executed*].

If you make default in complying with the requisitions of this notice, or if the said nuisance, though abated, is likely to recur, a summons will be issued requiring your attendance to answer a complaint which will be made to a court of summary jurisdiction for enforcing the abatement of the nuisance, and prohibiting a recurrence thereof, and for recovering the costs and penalties that may be incurred thereby.

Dated this day of 18 .

Signature of officer of local authority

FORM B.

Form of Summons.

Summons.

To the owner *or* occupier of [*describe premises*], situated at [*insert such a description as may be sufficient to identify the premises*], *or* to *A.B.* of

County of [*or* borough of *&c. or* district of *or as the case may be*] to wit.

You are required to appear before [*describe the court of summary jurisdiction*], at the petty sessions [*or* court] holden at on the day of next, at the hour of in the noon, to answer the complaint this day made to me by that in or on the premises above mentioned [*or* in or on certain premises situated at No. in the street in the parish of , *or such other description or reference as may be sufficient*

to identify the premises], in the district, under the Public Health Act, 1875, of [*describe the local authority*], the following nuisance exists [*describing it, as the case may be*], and that the said nuisance is caused by the act or default of the occupier [*or* owner] of the said premises, *or* by you *A.B.* [*or in case the nuisance be discontinued, but likely to be repeated, say*, there existed recently, to wit, on or about the day of on the premises, the following nuisance [*describe the nuisance*], and that the said nuisance was caused [*&c.*], and although the same has since the said last-mentioned day been abated or discontinued, there is reasonable ground to consider that the same or the like nuisance is likely to recur on the said premises].

Given under my hand and seal this day of 18 .

J.S. (L.S.)

FORM C.

Form of Order for Abatement or Prohibition of Nuisance.

To the owner [*or* occupier] of [*describe the premises*] situated [*give such description as may be sufficient to identify the premises*], *or* to *A.B.* of

County of [*or* borough, *&c.* of *or* district of *or as the case may be.*]

WHEREAS on the day of complaint was made before Esquire, one of Her Majesty's justices of the peace acting in and for the county [*or other jurisdiction*] stated in the margin, [*or as the case may be,*] by that in or on certain premise s situated at in the district under the Public Health Act, 1875, of [*describe the local authority*] the following nuisance then existed [*describing it*]; and that the said nuisance was caused by the act or default of the owner [*or* occupier] of the said premises [*or* was caused by *A.B.*] [*If the nuisance have been removed say*, the following nuisance existed on or about [*the day the nuisance was ascertained to exist*], and that the said nuisance was caused, *&c.*, and although the same is now removed, the same or the like nuisance is likely to recur on the same premises.]

And whereas the owner [*or* occupier] within the meaning of the said Public Health Act, 1875, [*or* the said *A.B.*,] hath this day appeared before us [(*or* me) *describing the court*], to answer the matter of the said complaint [*or in case the party charged do not appear, say*, and whereas it hath been this day proved to our (*or* my) satisfaction that a true copy of a summons requiring the owner [*or* occupier] of the said premises [*or* the said *A.B.*] to appear this day before us [*or* me] hath been duly served according to the said Act.

Now on proof here had before us [*or* me] that the nuisance so complained of doth exist on the said premises, and that the same is caused by the act or default of the owner [*or* occupier] of the said premises [*or* by the said *A.B.*], we [*or* I], in pursuance of the said Act, do order the said owner [*or* occupier, *or A.B.*] within [*specify the time*] from the service of this order or a true copy thereof according to the said Act [*here specify any things required to be done or works to be executed, as, for instance*, to provide for the cleanly and wholesome keeping of, *or*, to remove the animal kept so as to be a nuisance

or injurious to health; *or, for further instance,* to cleanse, whitewash, purify, and disinfect the said dwelling-house; *or, for further instance,* to construct a privy *or* drain, *&c.; or, for further instance,* to cleanse *or* to cover *or* to fill up the said cesspool, *&c.*], so that the same shall no longer be a nuisance or injurious to health as aforesaid.

[*And if it appear to the court that the nuisance is likely to recur on the premises say* [And we] [*or* I] being satisfied that, notwithstanding the said cause or causes of nuisances may be removed under this order, the same is or are likely to recur, do therefore prohibit the said owner [*or* occupier, *or A.B.*,] from [*here insert the matter of the prohibition, as, for instance,*] from using the said house or building for human habitation until the same, in our [*or* my] judgment, is rendered fit for that purpose.]

In case the nuisance were removed before complaint, say, Now, on proof here had before us [*or* me] that at or recently before the time of making the said complaint, to wit, on as aforesaid, the cause of nuisance complained of did exist on the said premises, but that the same hath since been removed, yet, notwithstanding such removal, we [*or* I] being satisfied that it is likely that the same or the like nuisance will recur on the said premises, do hereby prohibit [*order of prohibition*]; and if this order of prohibition be infringed, then we [*or* I] [*order on local authority to do works*].

Given under the hands and seals of us, [*or* the hand and seal of me, *describing the court*].

This day of
18 .

J.S. (L.S.)
J.P. (L.S.)

FORM D.

Form of Order for Abatement of Nuisance by Local Authority.

To the town council, *&c., as the case may be.*

County, *&c.* to wit. } WHEREAS [*recite complaint of nuisance as in last form*]

And whereas it hath been now proved to our [*or* my] satisfaction that such nuisance exists, but that no owner or occupier of the premises, or person causing the nuisance, is known *or* can be found [*as the case may be*]; Now we [*or* I], in pursuance of the said Act, do order the said [*local authority, naming it,*] forthwith to [*here specify the works to be done*].

Given, *&c.* (*as in last form*).

FORM E.

Form of Order to permit Execution of Works by Owner.

County of [*or* borough, *&c.*,] to wit. } WHEREAS complaint hath been made to me, *E.F.* Esquire, one of Her Majesty's justices of the peace in and for the county [*or* borough, *&c.*] of by *A.B.*, owner, within the meaning of the Public Health Act, 1875, of certain premises [*describe situation of premises so as to identify them*], that *C.D.*, the occupier of the said premises, doth prevent the said *A.B.* from obeying and carrying into effect the provisions of the said Act in this, to wit, that he the said *C.D.* doth prevent the said

A.B. from [*here describe the works generally, according to circumstances, for instance, thus:* constructing and laying down, in connexion with the said house, a covered drain, so as to communicate with a sewer, which the local authority under the said Act of the district of are entitled to use, such sewer being within one hundred feet of the said premises]: And whereas the said *C.D.*, having been duly summoned to answer the said complaint, and not having shown sufficient cause against the same, and it appearing to me that the said works are necessary for the purpose of enabling the said *A.B.* to obey and carry into effect the provisions of the said Act, I do hereby order that the said *C.D.* do permit the said *A.B.* to excute the same in the manner required by the said Act.

Given under my hand and seal, this day of 18 .

J.S. (L.S.)

FORM F.

Order of Justice for Admission of Officer of Local Authority.

WHEREAS [*describe the local authority*] have by their officer [*naming him*] made application to me *A.B.*, one of Her Majesty's justices of the peace having jurisdiction in and for [*describe the place*], and the said officer has made oath to me that demand has been made pursuant to the provisions of the Public Health Act, 1875, for admission to [*describe situation of premises so as to identify them*], for the purpose of [*describe the purpose, as the case may be*], and that such demand has been refused.

Now, therefore, I the said *A.B.* do hereby require you [*name the person having custody of the premises*], to admit the said [*name the local authority*], [*or* the officer of the said *local authority*], to the said premises, for the purpose aforesaid.

Given, *&c.* (*as in last form*).

FORM G.

Form of Notice requiring Owner to sewer, &c. Private Street.

To the owner of certain premises fronting, adjoining, or abutting on a certain street called within the district of [*describe the local authority*].

Whereas the said street is not sewered levelled paved flagged and channelled to the satisfaction of the above-named [*local authority*]; and whereas your said premises front, adjoin, or abut on certain parts of the said street which require to be sewered levelled paved flagged and channelled: Now, therefore, the said [*local authority*], hereby give you notice (in pursuance of the Public Health Act, 1875), to sewer level pave flag and channel the same within the space of [*state the time*], from the date hereof, in manner following; (that is to say,) the sewers to be laid or made [*here describe the mode to be adopted and material to be used*], of the sizes and forms, and at the rate or rates of inclination shown on the plans and sections of the works as prepared by the surveyor of the [*local authority*].

Each gully for surface draining, and its connexion with the sewer, to be placed as shown on the said plans, and to be constructed of the forms, materials, and dimensions as shown on the said plans.

A foundation for the carriageway and footway in the said street to be formed in the following manner [*here describe the mode to be adopted and the material to be used*], and the said carriageway and footway to be paved [*here describe the mode to be adopted and the material to be used*].

The channel stones to be [*here describe the mode to be adopted and the material to be used*]. The curb or side stones to be [*here describe the mode to be adopted and the material to be used*].

The whole of the above-mentioned works to be executed by you in accordance with the plans and sections herein-before referred to, and now lying for inspection by you at the office of the [*local authority*], situate in street, in aforesaid, and the dimensions, widths, and levels shown thereon, and to be done in a good, workmanlike, and substantial manner, to the satisfaction of the said [*local authority*], or their surveyor.

Dated this day of 18 .

(Signed)

Clerk to the said [*local authority*].

FORM H.

Form of Mortgage of Rates.

BY virtue of the Public Health Act, 1875, we the being the local authority under that Act for the district of in consideration of the sum of paid to the treasurer of the said district by *A.B.* of for the purposes of the said Act, do grant and assign unto the said *A.B.*, his executors, administrators, and assigns, such proportion of the rates arising or accruing by virtue of the said Act from [*the rates mortgaged*] as the said sum of doth or shall bear to the whole sum which is or shall be borrowed on the credit of the said rates, to hold to the said *A.B.*, his executors, administrators, and assigns, from the day of the date hereof until the said sum of with interest at the rate of per centum per annum for the same, shall be fully paid and satisfied: And it is hereby declared, that the said principal sum shall be repaid on the day of at [*place of payment*]. Dated this day of one thousand eight hundred and .

[*To be sealed with the common seal of the local authority.*]

FORM I.

Form of Transfer of Mortgage.

I *A.B.* of , in consideration of the sum of paid to me by *C.D.*, of , do hereby transfer to the said *C.D.*, his executors, administrators, and assigns, a certain mortgage, bearing date the day of and made by the local authority under the Public Health Act, 1875, for the district of for securing the sum of and interest thereon at per centum per annum [*or if such transfer be by endorsement on the mortgage, insert, instead of the words immediately following the word "assigns,"* the within security], and all my right estate and interest in and to the money thereby secured, and in and to the

rates thereby assigned. In witness whereof I have hereunto set my hand and seal this day of one thousand eight hundred and .

A.B. (L.S.)

FORM K.

Form of Rentcharge.

BY virtue of the Public Health Act, 1875, we the being the local authority under that Act for the district of do hereby declare and absolutely order that the inheritance of the [dwelling-house shop lands and premises, *as the case may be*], situated in street, in the parish of within the said district, and now in the occupation of shall be absolutely charged with the sum of pounds, paid by of for the improvement by drainage and water supply [*as the case may be*] of the same dwelling-house shop lands and premises [*as the case may be*], together with interest for the same from the date hereof at pounds per centum per annum, until full payment thereof; and also all costs incurred by the said his executors administrators or assigns, under this security, shall be fully paid and satisfied: And we hereby further declare that the said principal and interest moneys shall be paid and payable by the owner or occupier of the said premises to the said his executors administrators and assigns, in manner following; (that is to say,) the interest on such principal sum of pounds, or on so much thereof as shall from time to time remain due and payable under this order, shall be paid and payable by equal half-yearly payments whilst payable on the day of and the day of in every year, the first payment thereof to be made on the day of next, and such principal sum of pounds shall be paid and payable by equal annual instalments on the day of in each of the next succeeding years, towards the discharge of the same principal sum, until the whole shall be fully satisfied and discharged.

[*To be sealed with the common seal of the local authority.*]

FORM L.

Register of Owners for the District of

Notice of Time for making Claims and Objections.

I hereby give notice that all persons who are entitled to vote as owners or proxies at the election of members of the local board for the district of , and who are not on the register of owners and proxies now in force, or who being on the register do not retain the qualification or the address described therein, and who are desirous to have their names inserted in the register about to be made for the said district, and all persons who are desirous of objecting to any name on the register now in force, are hereby required to give or send to me, on some one of the first six days of March next, a claim or objection (*as the case may be*) in the form hereunder set forth.

(Signed) _____

Chairman of the local board.

Owner's Claim.

To the chairman of the local board for the district of

This day of 18 .

I the undersigned claim to have my name inserted in the register of owners and proxies for the district of , pursuant to the provisions of the Public Health Act, 1875, as owner of the property herein-after described which is situated in the parish of that is to say: (*a*)

I also state that the interest or estate which I have in such property, and the amount of all the rent-service which I receive or pay in respect thereof, and the names of the persons from whom I receive or to whom I pay such rent-service are set forth in the form hereunder written.

Description of property. (*b*)	In respect of which I have an estate or interest of (*c*)	And in respect of which I receive in rent-service the sum of (*d*)	From (*e*)	And in respect of which I pay in rent-service the sum of (*f*)	To (*g*)
		£ s. d.		£ s. d.	

_____ Signature of claimant.

_____ Address (*h*) of claimant.

Claim of Proxy.

To the chairman of the local board for the district of

This day of 18 .

I the undersigned having been appointed by of owner [*or* owners] of the property herein-after described which is situated in the parish of to vote as his [*or* their] proxy pursuant to the provisions of the Public Health Act, 1875, claim to have my name inserted in the register of owners and proxies for the district of as such proxy.

(*a*) Here insert a clear statement of the property, as "house," "building." "house and acres of land."

(*b*) Describe the property by its name, situation, or the name of the occupier or any other designation by which it may be identified.

(*c*) Describe the estate or interest, as *an estate in fee simple, of freehold, a term of years*, and also whether it is held by the claimant solely, or jointly with others, and in the case of a partner claiming, insert the number and names of the other partners in the firm.

(*d*) If the property is let by the owner, insert the amount of rent received from each tenant.

(*e*) Insert name of tenant or tenants.

(*f*) If the owner is a lessee paying rent, insert the amount of all the rent he pays

(*g*) Insert the name of the lessor.

(*h*) This need not be the owner's residence, but should be some address within the district.

* A partner must set out the amount of rent-service which he would receive or pay if the qualifying property were equally divided among his co-partners and himself.

I herewith transmit to you (*a*) the writing under the hand [*or* hands, *or in the case of a corporation* the seal] of appointing me such proxy.

I also state that the interest or estate which has [*or* have] in such property and the amount of the rent-service which he [*or* they] receives or pays [*or* pay] in respect thereof and the names of the persons from whom he [*or* they] receives [*or* receive] or to whom he [*or* they] pays [*or* pay] such rent-service are set forth in the form hereunder written.

Description of Property. (*b*)	In respect of which the appointor has an estate or interest of (*c*)	And in respect of which the appointor receives in rent-service the sum of (*d*)	From (*e*)	And in respect of which the appointor pays in rent-service the sum of (*f*)	To (*g*)
		£ s. d.		£ s. d.	

_____ Signature of proxy.

_____ Address (*h*) of proxy.

Form of Objection.

To the chairman of the local board of the district of

This day of .

I hereby give you notice that I object to the name of the person mentioned and described below being retained on the register of owners and proxies for the district of .

Christian and surname of the owner or proxy objected to.	Address, as described.	Nature of Qualification, as described.	Description (in case of proxy) of appointor.

_____ Signature of objector.

_____ Address of objector.

(*a*) If the appointment itself is not sent, insert the words "an attested copy of".

(*b*) Describe the property by its name, situation, or the name of the occupier or any other designation by which it may be identified.

(*c*) Describe the estate or interest, as *an estate in fee simple, of freehold, a term of years*, and whether it is held by the appointor solely or jointly with others.

(*d*) If the property is let by the appointor, insert the amount of rent received from each tenant.

(*e*) Insert name of tenant or tenants.

(*f*) If the appointor is a lessee paying rent, insert the amount of all the rent he pays.

(*g*) Insert the name of the lessor.

(*h*) This need not be the proxy's residence, but should be some address within the district.

FORM M.

Appointment of Proxy.

To the chairman of the local board for the district of

This day of 18 .

I [*or* we] the undersigned being the owner [*or* owners] of the property herein-after described which is situated in the parish of do hereby appoint to vote as my [*or* our] proxy in all cases wherein he may lawfully do so, pursuant to the provisions of the Public Health Act, 1875. And I [*or* we] hereby state that the description of the said property is as follows; viz. (*a*)

Signature of owner (*b*).

Address of owner.

Witness.

FORM N.

Form of Voting Paper at Elections of Members of Local Boards.

Voting Paper.

District of

No. of Voting Paper.	Name and Address of Voter.	Number of Votes.	
		As Owner.	As Ratepayer.

Initials of the Voter against the Names of the Persons for whom he intends to vote.	Names of the Persons nominated.	Residence of the Persons nominated.	Quality or Calling of the Persons nominated.	Name of the Nominator or of one of the Nominators.	Address of such Nominator.

I vote for the persons in the above list against whose names my initials are placed.

(Signed)

or the mark of

Witness to the mark

or proxy for

(*a*) Describe the property by its name, situation, or the name of the occupier or any other designation by which it may be identified.

(*b*) Or of three directors; or in the case of a corporation *say*, Given under our common seal, *and add the name of the person or persons entitled to affix the seal.*

Directions to the Voter.

The voter must write his initials against the name of every person for whom he votes, and must subscribe his name and address at full length.

If the voter cannot write he must make his mark instead of initials, but such mark must be attested by a witness, and such witness must write the initials of the voter against the name of every person for whom the voter intends to vote.

If a proxy votes he must in like manner write his initials, subscribe his own name and address, and add after his signature the name of the body of persons for whom he is proxy.

This paper will be collected on the of between the hours of and .

FORM O.

Form of Voting Paper for Poll taken under Schedule III.

Voting Paper No. ( ).

At a meeting held on the day of at in the county of it was agreed that the following resolution should be proposed to the owners and ratepayers of .

(*Set out the resolution.*)

	In favour of.	Against.	Number of Votes.	
			As Owner.	As Ratepayer.
Do you vote in favour of or against the adoption of this resolution.				

(Signed)_____

or the mark of____

Witness to the mark _____

or proxy for_____

Directions to the Voter.

The voter must write his initials under the heading "in favour" or "against," according as he votes for or against the resolution, and must subscribe his name and address at full length.

If the voter cannot write, he must make his mark instead of initials, but such mark must be attested by a witness, and such witness must write the initials of the voter against his mark.

If a proxy votes he must in like manner write his initials, subscribe his own name and address, and add after his signature the words "as proxy for," with the name of the body of persons for whom he is proxy.

This paper will be collected on the of between the hours of and .

SCHEDULE V.

PART I.

Enactments which have been already repealed are in a few instances included in this repeal, in order to avoid the necessity of reference to previous statutes.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
11 & 12 Vict. c. 63. -	The Public Health Act, 1848 - -	The whole Act.
14 & 15 Vict. c. 28. -	The Common Lodging Houses Act, 1851.	The whole Act, except so far as relates to the Metropolitan Police District.
16 & 17 Vict. c. 41. -	The Common Lodging Houses Act, 1853.	The whole Act, except so far as relates to the Metropolitan Police District.
18 & 19 Vict. c. 116. -	The Diseases Prevention Act, 1855.	The whole Act, except so far as relates to the Metropolis.
18 & 19 Vict. c. 121. -	The Nuisances Removal Act for England, 1855.	The whole Act, except so far as relates to the Metropolis.
21 & 22 Vict. c. 98. -	The Local Government Act, 1858.	The whole Act.
23 & 24 Vict. c. 77. -	An Act to amend the Acts for the Removal of Nuisances and the Prevention of Diseases.	The whole Act, except so far as relates to the Metropolis.
24 & 25 Vict. c. 61. -	The Local Government Act (1858) Amendment Act, 1861.	The whole Act.
26 & 27 Vict. c. 17. -	The Local Government Act Amendment Act, 1863.	The whole Act.
26 & 27 Vict. c. 117. -	The Nuisances Removal Act for England (Amendment) Act, 1863.	The whole Act, except so far as relates to the Metropolis.
28 & 29 Vict. c. 75. -	The Sewage Utilization Act, 1865.	The whole Act, except so far as relates to Scotland and Ireland.
29 & 30 Vict. c. 41. -	The Nuisances Removal (No. 1) Act, 1866.	The whole Act, except so far as relates to the Metropolis.
29 & 30 Vict. c. 90. -	The Sanitary Act, 1866	Parts I., II., and III. except so far as relates to the Metropolis or to Scotland or Ireland.
30 & 31 Vict. c. 113. -	The Sewage Utilization Act, 1867.	The whole Act, except so far as relates to Scotland or Ireland.
31 & 32 Vict. c. 115. -	The Sanitary Act, 1868	The whole Act, except so far as relates to the Metropolis.
32 & 33 Vict. c. 100. -	The Sanitary Loans Act, 1869.	The whole Act, except so far as relates to the Metropolis.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
33 & 34 Vict. c. 53. -	The Sanitary Act, 1870	The whole Act, except so far as relates to the Metropolis.
35 & 36 Vict. c. 79. -	The Public Health Act, 1872.	The whole Act, except so far as relates to the Metropolis.
37 & 38 Vict. c. 89. -	The Sanitary Law Amendment Act, 1874.	The whole Act, except so far as relates to the Metropolis or the Metropolitan Police District.

Of the above Acts, the following, (namely,) "The Public Health Act, 1848," and "The Local Government Act, 1858," and "The Local Government Act (1858) Amendment Act, 1861," and "The Local Government Act Amendment Act, 1863," are in this Act referred to as "The Local Government Acts."

PART II.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
12 & 13 Vict. c. 94. -	The Public Health Supplemental Act, 1849.	The whole Act, except— Section 1 (Confirmation of certain provisional orders of the General Board of Health), and section 12 (short title of Act), and the schedule.
13 & 14 Vict. c. 90. -	The Public Health Supplemental Act, 1850 (No. 2).	The whole Act, except— Section 1 (certain provisional orders of General Board of Health confirmed), and section 7 (short title of Act), and the schedule.
15 & 16 Vict. c. 42. -	The first Public Health Supplemental Act, 1852.	Sections 6 to 12, both inclusive (first election or first selection and election of certain local boards), and section 13 (11 & 12 Vict. c. 63. ss. 68, 69, as to repair of highways), and section 14 (interpretation of year), and section 15 (Act incorporated with Public Health Act).

PART III.

11 & 12 Vict. c. 63. s. 83.

As to interments within churches.

No vault or grave shall be constructed or made within the walls of or underneath any church or other place of public worship built in any urban district after the thirty-first day of August one thousand eight hundred and forty-eight; and whosoever shall bury, or cause, permit, or suffer to be buried, any corpse or coffin in any vault or grave constructed or made contrary to this enactment shall for every such offence be liable to a penalty not exceeding fifty pounds, which may be recovered by any person, with full costs of suit, in an action of debt.

21 & 22 Vict. c. 98. s. 49.

Local board to be burial board in certain cases.

When a vestry of any parish comprised in a local government district resolves to appoint a burial board, the local board may at the option of the vestry be the burial board for such parish, and all expenses incurred by such burial board shall be defrayed out of a rate to be levied in such parish in the same manner as a general district rate.

Provided, that if such parish has been declared a ward for the election of members of the local board, such members shall form the burial board for the parish, and shall be deemed to be a burial board elected under the Burial Acts for the time being in force.

24 & 25 Vict. c. 61. s. 21.

Urban authorities may repair fences surrounding burial grounds.

Any urban authority constituted a burial board may from time to time repair and uphold the fences surrounding any burial ground which has been discontinued as such within their jurisdiction, or take down such fences and substitute others in lieu thereof, and shall from time to time take the necessary steps for preventing the desecration of such burial ground and placing it in a proper sanitary condition; and they may from time to time pass byelaws (subject to the provisions of this Act) for the preservation and regulation of all burial grounds within their jurisdiction; and the expense of carrying this section into execution may be defrayed out of any rates authorized to be levied by any urban authority constituted a burial board.

26 & 27 Vict. c. 17. s. 6.

Local government districts to be within highway districts for purpose of highway meetings.

Where any local government district or any other place is surrounded by or adjoins a highway district constituted under the Highway Acts, such first-mentioned district or other place shall, for the purpose of any meeting of the highway board, be deemed to be within such highway district.

29 & 30 Vict. c. 90. s. 44.

Power to burial boards in certain cases to transfer their powers to urban authority.

When the district of a burial board is included in or conterminous with the district of an urban authority, the burial board may, by resolution of the vestry, and by agreement of the burial board and urban authority, transfer to the urban authority all their estate property rights powers duties and liabilities, and from and after such transfer, the urban authority shall have all such estate property rights powers duties and liabilities as if they had been duly appointed a burial board under the Burial Acts for the time being in force.

29 & 30 Vict. c. 90. s. 51.

All penalties imposed by the Act of the sixth year of King George the Fourth, chapter seventy-eight, intituled "An Act to repeal the "several laws relating to quarantine, and to make other provisions "in lieu thereof," may be reduced by the justices or court having jurisdiction in respect of such penalties to such sum as the justices or court think just.

Power to reduce penalties imposed by 6 G. 4. c. 78.

29 & 30 Vict. c. 90. s. 52.

Every vessel having on board any person affected with a dangerous or infectious disorder shall be deemed to be within the provisions of the Act of the sixth year of King George the Fourth, chapter seventy-eight, although such vessel has not commenced her voyage, or has come from or is bound for some place in the United Kingdom.

Description of vessels within provisions of 6 G. 4. c. 78.

35 & 36 Vict. c. 76. s. 34.

Where in any local Acts the consent, sanction, or confirmation of one of Her Majesty's Principal Secretaries of State is required with respect to the borrowing of any money, to the giving effect to any byelaws, or to the appointment of any officer for sanitary purposes, the consent, sanction, or confirmation of the Local Government Board shall be required instead of that of the Secretary of State.

The consent of the Local Government Board, and not that of the Treasury, shall be required to the borrowing of money for the purposes of the Baths and Wash-houses Acts.

If any question arises as to what are sanitary purposes within the meaning of this section, the determination of the Local Government Board on such question shall be conclusive.

As to consent of Local Government Board required in certain cases.

35 & 36 Vict. c. 79. s. 35.

The powers and duties of the Board of Trade under the Alkali Act, 1863, and any Act amending the same, and under the Metropolis Water Acts, 1852 and 1871, shall be exerciseable and performed by the Local Government Board, and "the Local Government Board" shall be deemed to be substituted for "the Board of Trade" wherever the latter expression occurs in the said Acts.

Transfer of powers and duties of Board of Trade under Alkali Act, 1863, and Metropolis Water Acts, 1852 and 1871, to Local Government Board.

35 & 36 Vict. c. 79. s. 36.

All powers, duties, and acts vested in, imposed on, or required to be done by or to one of Her Majesty's Principal Secretaries of State by the several Acts of Parliament relating to highways in England and Wales, and to turnpike roads and trusts and bridges in England and Wales, shall be imposed on and be done by or to the Local Government Board, subject to the conditions, liabilities, and incidents to which such powers, duties, and acts were respectively subject immediately before the passing of the Public Health Act, 1872, or as near thereto as circumstances admit.

Transfer of powers and duties of Secretary of State under Highway and Turnpike Acts to Local Government Board.

35 & 36 Vict. c. 79. s. 37.

All inspectors, clerks, and other officers who are by virtue of section thirty-seven of the Public Health Act, 1872, attached to and under the control of the Local Government Board, shall hold their offices and places upon the same terms and conditions, and shall have the same powers, privileges, and immunities with respect to the performance of their duties, as if this Act had not passed.

Transfer of officers to Local Government Board.

The Local Government Board may by order distribute the business to be performed under the Local Government Board amongst such officers and persons in such manner as the Local Government Board may think expedient.

35 & 36 Vict. c. 79. s. 38.

Salary of medical officer.

Notwithstanding anything contained in any Act of Parliament now in force, there shall be paid out of moneys to be provided by Parliament to the medical officer of the Local Government Board such salary as the Treasury may from time to time determine.

35 & 36 Vict. c. 79. s. 48.

Orders of the Local Government Board how to be published.

Every general order of the Local Government Board, made in pursuance of the Poor Law Amendment Act, 1834, and the several Acts amending the same, shall be published in the London Gazette, and when so published shall take effect in like manner, and shall be of as much force and validity as any general order of the Poor Law Board made and sent in the manner prescribed by the last-mentioned Acts, and no further proceeding shall be necessary in such behalf; and as regards any single order of the said Board, made in pursuance of the said last-mentioned Acts, it shall not be necessary henceforth to send a copy thereof to the clerk to the justices of the petty sessions.

CHAPTER 56.

An Act to enable Grand Juries in Ireland to grant Superannuation Allowances to County Surveyors in certain cases. [11th August 1875.]

WHEREAS it is expedient that provision should be made to enable superannuation allowances to be granted by grand juries to county surveyors:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Grand juries in Ireland, with consent of Lord Lieutenant, may grant superannuation allowances to county surveyors.

1. Any grand jury in Ireland may, at their discretion, with the consent of the Lord Lieutenant or other Chief Governor of Ireland, grant to any county surveyor in their service who shall become incapable of discharging the duties of his office with efficiency, by reason of permanent infirmity of mind or body, or of old age, upon his resigning or otherwise ceasing to hold his office, such annual allowance during his life as, having regard to the length of his service in such county, they shall think proper, and such allowance shall, after the grant of the same, from time to time, be presented without previous application at presentment sessions, and shall be levied and raised in like manner in every respect as if the same were the salary of such person as county surveyor and as if he had continued in his office: Provided always, that in estimating and award-

ing such annual allowance, the grand jury shall proceed according to the principles laid down and subject to the limitations prescribed by the Superannuation Act, 1859.

2. No county surveyor shall be entitled to the grant by the grand jury of any county of any such allowance on the ground of age who shall not have completed the full age of sixty years, and who shall not have served as a county surveyor in such county ten years at the least; no county surveyor appointed after the passing of this Act in any county shall be entitled to the grant by the grand jury of such county of any such allowance, unless he shall after his appointment as such county surveyor have given his whole time to the service of such county.

No officer under age of 60 entitled to allowance unless he shall have served ten years.

3. No grant shall be valid unless an application for the same shall have been made and approved of at the county at large sessions that shall be held immediately preceding the meeting of the grand jury who shall make the grant.

Conditions of grant.

4. All allowances granted under this Act shall be payable to or in trust for such officer only, and shall not be assignable for nor chargeable with his debts or other liabilities.

Superannuation allowances not to be assignable.

5. This Act shall be called "The County Surveyors Superannuation Act (Ireland), 1875."

Short title.

CHAPTER 57.

An Act to institute a Pharmaceutical Society, and to regulate the Qualifications of Pharmaceutical Chemists and of Chemists and Druggists, in Ireland.

[11th August 1875.]

WHEREAS by an Act passed by the Parliament of Ireland in the thirty-first year of the reign of His Majesty George the Third, intituled "An Act for the more effectually "preserving the health of His Majesty's subjects, for erecting "an Apothecaries Hall in the city of Dublin, and regulating "the profession of an apothecary throughout the kingdom of "Ireland," (in this Act referred to as "the Act of 1791,") it is enacted that no person shall open shop or practise the art and mystery of an apothecary within the kingdom of Ireland until he shall have been examined as to his qualification and knowledge of the business by the persons and in the manner by the said Act prescribed, and shall have received a certificate to open shop or follow the art and mystery of an apothecary within the kingdom of Ireland from the Governor and Directors of the Apothecaries Hall of the city of Dublin:

31 G. 3. (Irish).

And whereas a great deficiency exists throughout Ireland of establishments and shops for the sale of medicines and com-

pounding of prescriptions, and great inconvenience thereby arises to the public in many parts of the country:

And whereas to remedy such inconvenience it is expedient to amend the Act of 1791, and to enable persons who, although they do not desire to practise the art and mystery of an apothecary, desire and are qualified to open shop for the retailing, dispensing, and compounding of poisons and medical prescriptions, to keep open shop for the purposes aforesaid:

And whereas for the purposes aforesaid it is expedient that provisions such as are in this Act contained should be made for the formation of a Pharmaceutical Society in Ireland, and for the examination of persons desiring to keep open shop for the purposes aforesaid, and for the registration of such of the said persons as may be found, on examination, to possess a competent practical knowledge of pharmaceutical and general chemistry and other branches of useful knowledge, as fit persons to keep open shop for the dispensing and compounding of prescriptions of duly qualified medical practitioners:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as "The Pharmacy Act (Ireland), 1875."

Limit of Act.

2. This Act shall apply to Ireland only.

Interpretation of terms.

3. In this Act,—

The term "Lord Lieutenant" shall mean the Lord Lieutenant or other chief governor or governors of Ireland for the time being:

The term "Privy Council" shall mean Her Majesty's Privy Council in Ireland:

The term "licentiate of Apothecaries Hall" shall mean a person who has a certificate to open shop or to follow the art and mystery of an apothecary under the provisions of the Act of 1791.

Constitution and Incorporation of the Pharmaceutical Society of Ireland.

Pharmaceutical Society of Ireland constituted and incorporated.

4. A society to be called "the Pharmaceutical Society of Ireland" shall be constituted as herein-after mentioned, and such society shall by such name be a body corporate, and have perpetual succession and a common seal, and sue and be sued, and have power and authority to take, purhcase, and hold land for the purposes of this Act.

Members of Pharmaceutical Society of Ireland.

5. The following persons, that is to say, William Allen, of Henry Street, Dublin, Miles Vernon Bourke, M.D., of Limerick, Thomas Collins, M.R.C.S.E., of Harcourt Street, Dublin, Sir Dominic Corrigan, Baronet, Physician in ordinary to the Queen

in Ireland, William Frazer, F.R.C.S.I., of Harcourt Street, Dublin, John Goodwin, of Merrion Row, Dublin, William Goulding, of Summerhill House, Cork, William Harrington, Licentiate of Apothecaries Hall, of Cork, William Hayes, of Grafton Street, Dublin, John Frederick Hodges, M.D., of Belfast, Edward M. Hodgson, of Capel Street, Dublin, John Thomas Holmes, of Upper Baggot Street, Dublin, Charles Henry Leet, M.D., of Rathmines, near Dublin, Rawdon Macnamara, F.R.C.S.I., of Stephen's Green, Dublin, George B. Owens, M.D., of Lower Baggot Street, Dublin, Richard Ward Pring, of Belfast, James Emerson Reynolds, M.D., of Upper Leeson Street, Dublin, John Ryan, M.D., of Francis Street, Dublin, Aquilla Smith, M.D., of Lower Baggot Street, Dublin, Charles R. C. Tichborne, of Waltham Terrace, Blackrock, near Dublin, Henry Whitaker, M.R.C.S.E., of Belfast, and all other persons who shall be qualified and elected in the manner prescribed by this Act, shall be members of the Pharmaceutical Society of Ireland, and the said persons in this section specifically named as such members as aforesaid shall constitute and be the first council of the Pharmaceutical Society of Ireland.

There shall be a president and vice-president of the said Society, and the said Sir Dominic Corrigan, Baronet, shall be the first president, and the said Aquilla Smith, M.D., the first vice-president of the said council.

Persons who may be elected members of Pharmaceutical Society and of the council.

6. Every person who shall be registered under this Act as a pharmaceutical chemist shall be qualified to be elected as a member of the said Pharmaceutical Society; and every person so registered and elected a member of the said Pharmaceutical Society shall be qualified to be elected, and when elected to act as a member of the council of the said Pharmaceutical Society.

Term of office of president and vice-president.

7. The persons by this Act named as president and vice-president of the said council, and their successors in such offices respectively, shall hold the office of president and vice-president respectively during one year, but shall be eligible for re-election, and in case of any vacancy in the office of president or vice-president of the said council caused by such president or vice-president ceasing to be a member of the said council, or by the resignation or incapacity of any such president or vice-president, such vacancy shall be filled by the election of some member of the said council to fill such vacancy.

Council to go out of office by rotation.

8. The members of the said council shall go out of office by rotation in the following manner; viz., on the first Monday of October in the year one thousand eight hundred and seventy-six one third of the members of such council shall go out of office, and on the first Monday of October in the following year another third of the members of such council shall go out of office, and on the first Monday of October in the following year the remainder of the members of such council shall go out

of office; and on the first Monday of October in every subsequent year one third of the members of such council (being those who have been longest in office) shall go out of office; and in each instance the places of the retiring members of such council shall be supplied by the election by the members of the said Pharmaceutical Society on the first Monday of October in each year of a like number of their body to act as members of the said council in the place of the retiring members.

Manner of making the rotation list.

9. In order to determine the rotation by which the first members of the said council shall go out of office, the said council shall at their first meeting under this Act form a rotation list, and at such meeting the chairman shall write the names of all the members on separate slips of paper, all as nearly as may be of equal size, and having folded them up in the same manner, he shall put them into a ballot box, and shall in the presence of the meeting draw out such slips of paper in succession, and the names upon the slips so drawn shall be written by the chairman in a list in the order in which they are drawn; and every such list shall be kept among the papers of the said council, and the names therein shall be numbered consecutively, and the members of the said council shall retire from office in the order in which their names appear on such list, in the proportions in this Act mentioned.

Retiring members eligible to be re-elected.

10. Every member of the said council going out of office by rotation may be re-elected, and after such re-election he shall with reference to going out by rotation be considered as a new member.

As to filling up of occasional vacancies.

11. If any extraordinary vacancy shall be occasioned in the said council, the said council shall, on a day to be fixed by the president of the said society (such day not to be later than ten days after such vacancy has been signified to the said president), elect another person to supply such vacancy, and every person so elected shall continue a member of the said council until the time at which the person in the room of whom he was chosen would regularly have gone out of office, and he shall then go out of office, but shall be capable of immediate re-election.

Elections.

12. Elections of members of the said council, and of president and vice-president thereof, under this Act, shall be held and the voting and other proceedings in the case of a contest shall be conducted in the manner prescribed by regulations made in pursuance of this Act.

Proceedings at meetings of council.

13. At a meeting of the said council the president, or in his absence the vice-president, shall act as chairman, and in case the president and vice-president shall both be absent,

one of the members present shall be elected chairman by the majority present.

At all meetings of the said council the questions there considered shall be decided by a majority. In case of an equal division, the chairman shall, in addition to his own vote, have a casting vote.

No business shall be transacted at any meeting of the said council unless seven members of the council be present, and all the powers under this Act vested in the council may be exercised by any seven or more of the council present at any meeting of the council.

First meeting.

14. The council of the said Pharmaceutical Society shall hold their first meeting within six months after the passing of this Act at such place in the city of Dublin, at such hour, and on such day as the Chief Secretary to the Lord Lieutenant may respectively order and appoint, and they may adjourn such meeting from time to time as shall seem fit.

Council may allow certain persons to acquire title of chemist and druggist.

15. The said council may at their first or any subsequent meeting by resolution determine upon allowing certain persons to acquire the title of chemist and druggist, subject to such terms and conditions as the said council shall think proper.

Regulations for execution of Act.

16. At the first meeting of the said council, or some adjournment of the same, they may, subject to the provisions of this Act, make regulations with respect to the matters following:

(1.) The meetings and other proceedings of the said council;

(2.) The examinations of persons desirous of being registered as pharmaceutical chemists under this Act;

(3.) The examinations of persons desirous of being registered as chemists and druggists under this Act, in case the said council shall think proper to allow persons to acquire the title of chemist and druggist;

(4.) The times at which and the mode in which elections of members and associates of the said Pharmaceutical Society are to be held and conducted;

(5.) The mode in which elections of members of the council, and of president and vice-president thereof, are to be held and conducted;

(6.) The fees to be charged for examination, license, and registration under this Act, and the entrance fees and annual subscriptions to be paid by members of the said Pharmaceutical Society, and the application of the same, and of all moneys received by the treasurer under this Act;

(7.) The duties of the registrar, treasurer, clerks, and other subordinate officers, and the manner in which the same shall be discharged, and the salaries to be paid to such officers respectively; and

(8.) Generally for all such other matters as may be necessary for the due execution of this Act.

The said council may from time to time, at any meeting of the council held at any time after the expiration of six months after such first meeting, revoke or alter any such regulation, and make new regulations instead thereof or in addition thereto.

Resolution and regulation to be approved by Lord Lieutenant and Privy Council.

17. Any resolution made under the authority of this Act with respect to the title of chemist and druggist, and every regulation made under the authority of this Act, shall be subject to the approval of the Lord Lieutenant and Privy Council, and shall be of no force or effect until the same shall respectively be so approved, and notice of such approval shall be published in the Dublin Gazette.

Any resolution and all regulations made under the authority of this Act and approved as aforesaid shall be laid before both Houses of Parliament within twenty-one days after the same shall be made, if Parliament be sitting at such time, or if Parliament be not sitting, within twenty-one days after the commencement of the next session of Parliament after the making thereof.

Any such resolution and all such regulations when so approved shall be of the like force and effect as if they had been enacted in this Act.

Persons who may be elected associates of the Pharmaceutical Society.

18. Every person who shall be registered under this Act as a chemist and druggist shall be qualified to be elected an associate of the said Pharmaceutical Society, subject to the regulations made in pursuance of this Act; and every person so elected and continuing as such associate, being in business on his own account, shall have the privilege of attending all meetings of the said society, and of voting thereat, and otherwise taking part in the proceedings of such meetings in the same manner as members of the said society: Provided always, that such associates contribute to the funds of the said society the same fees or subscriptions as members contribute for the time being under the regulations thereof.

General Provisions.

Following provisions not to take effect until approval of regulations.

19. The following provisions of this Act shall not take effect until after the publication in the Dublin Gazette of the notice of the approval of the regulations made at the first meeting of the said council, and so far as the said provisions relate to chemists and druggists under this Act they shall only take effect after the publication in the Dublin Gazette of the notice of the approval of a resolution with respect to the title of chemist and druggist.

Appointment of registrar and treasurer.

20. The said council may from time to time appoint a fit and proper person as a registrar under this Act, and shall have power to remove any such registrar from the said office, and may also appoint and remove from time to time a treasurer, and such clerks and other subordinate officers as may be

requisite for carrying out the purposes of this Act, and also to pay suitable salaries to the said registrar, treasurer, clerks, and officers.

Examination.

21. For the purpose of ascertaining the qualification of persons desirous of keeping open shop for the retailing, dispensing, or compounding poisons or medical prescriptions and being registered as pharmaceutical chemists or as chemists and druggists under this Act, the said council shall cause examinations to be held at such times and in such manner as may be prescribed by regulations made in pursuance of this Act, and the said council shall appoint examiners to conduct the same: Provided always, that no person shall conduct any examination for the purposes of this Act until his appointment has been approved by the Lord Lieutenant and Privy Council, and such appointment shall not in any case be in force for more than five years; and that it shall be the duty of the said Pharmaceutical Society to allow any officer appointed by the Lord Lieutenant and Privy Council for that purpose to be present during the progress of any examination held for the purposes of this Act.

All persons desirous of being registered as pharmaceutical chemists under this Act may at any such examination present themselves for examination, and they shall be examined with respect to their knowledge of the Latin and English languages, of arithmetic, of botany, of materia medica, of pharmaceutical and general chemistry, of practical pharmacy, of the British Pharmacopœia, and of such other subjects as may from time to time be prescribed by any regulations made in pursuance of this Act; and all persons desirous of being registered as chemists and druggists under this Act may at any such examination present themselves for examination, and they shall be subjected to such a modified examination with respect to their knowledge of the subjects aforesaid as may from time to time be prescribed by any regulations made in pursuance of this Act: Provided always, that such examinations shall not include the theory and practice of medicine, surgery, or midwifery, or any branch of medicine or surgery; and the examiners appointed by the council are hereby empowered, after such examinations respectively, to grant or refuse to such persons, as in their discretion may seem fit, certificates of competent knowledge and qualification and skill to be registered as pharmaceutical chemists or as chemists and druggists under this Act: Provided always, that in case of rejection a rejected candidate shall not present himself for re-examination until after six months after such rejection.

Persons entitled to be registered under this Act.

22. Every person by this Act nominated as a member of the council of the Pharmaceutical Society of Ireland shall be entitled to be registered as a pharmaceutical chemist without payment of any fees or charges; and every person who shall

be duly examined in accordance with the provisions of this Act, and who shall be certified by the examiners to be qualified to act as a pharmaceutical chemist, and every licentiate of Apothecaries Hall, shall upon giving to the registrar such reasonable proof thereof as may be required under any regulations made by the council of the said Pharmaceutical Society in that behalf, and upon payment of the proper fees and charges, be entitled to be registered under this Act as a pharmaceutical chemist.

Every person who shall be duly examined in accordance with the provisions of this Act, and who shall be certified by the examiners to be qualified to act as a chemist and druggist, shall, upon giving to the registrar such reasonable proof thereof as may be required under any regulations made by the council of the said Pharmaceutical Society in that behalf, and upon payment of the proper fees and charges, be entitled to be registered under this Act as a chemist and druggist.

Fees for examination, license, and registration.

23. For every examination, license, and registration such reasonable fees or charges shall be paid as shall from time to time be fixed and determined by any regulation or regulations to be made by the said council in pursuance of this Act, and such fees shall be paid to the treasurer, and shall by him be applied to the purposes of this Act in manner prescribed by such regulations.

Register of pharmaceutical chemists and of chemists and druggists.

24. The registrar to be appointed under or by virtue of this Act shall from time to time make out and maintain a complete list (to be called the "Register of Pharmaceutical Chemists for Ireland") and also a complete list (to be called the "Register of Chemists and Druggists in Ireland") of all persons registered as pharmaceutical chemists or as chemists and druggists respectively under this Act, and in such registers the names shall be in alphabetical order according to the surnames, with the respective residences, in the form set forth in the schedule to this Act annexed, or to the like effect, and shall keep proper indexes of such registers, and all such other lists and books as may be required by the said council and as may be necessary for giving effect to the regulations of the said council and to the provisions of this Act.

Duty of registrar to make and keep registers.

25. It shall be the duty of the registrar to keep the said registers corrected, and to erase the names of all registered persons as and when they shall die, and from time to time to make the necessary alterations in the addresses of the persons registered under this Act; and to enable the registrar duly to fulfil such duties, it shall be lawful for him to write a letter to any registered person, addressed to such person according to his address on the register, to inquire whether he has ceased to carry on business or has changed his residence, such letter to be forwarded by post as a registered letter, according to the post office regulations for the time being, and if no

answer shall be returned to such letter within the period of six months from the sending of the letter, a second of similar purport shall be sent in like manner, and if no answer be given thereto within three months from date thereof it shall be lawful to erase the name of such person from the register; provided always, that the same may be restored by direction of the said council, should they think fit to make an order to that effect.

Evidence of qualification to be given before registration.

26. No name shall be entered in the said registers except of persons authorised by this Act to be registered, nor unless the registrar be satisfied by the proper evidence that the person claiming is entitled to be registered; and any appeal from the decision of the registrar may be decided by the said council; and any entry which shall be proved to the satisfaction of the said council to have been fraudulently or incorrectly made may be erased from or amended in the register under an order in writing of the said council.

Annual registers to be published, and to be evidence.

27. The registrar shall, in the month of January in every year, cause to be printed, published, and sold correct copies of the register of pharmaceutical chemists and of the register of chemists and druggists, in alphabetical order according to the surnames; and printed copies of such registers for the time being in force, purporting to be so printed and published as aforesaid, or any extract therefrom, or from the original registers, certified under the hand of the said registrar, and countersigned by the president or two members of the said council, shall be evidence in all courts and in all proceedings that the persons therein specified are registered according to the provisions of this Act, and the absence of the name of any person from any such copy of either of the said registers shall be evidence, until the contrary shall be made to appear, that such person is not registered in such register according to the provisions of this Act.

Penalty on wilful falsification of registers or for obtaining registration by false representation.

28. Any registrar who shall wilfully make or cause to be made any falsification in any matter relating to the said registers, or either of them, and any person who shall wilfully procure or attempt to procure himself to be registered under this Act, by making or producing, or causing to be made or produced, any false or fraudulent representation or declaration, either verbally or in writing, and any person aiding or assisting him therein, shall be deemed guilty of a misdemeanor, punishable by fine or imprisonment, and shall on conviction thereof be sentenced to be imprisoned for any term not exceeding twelve months.

Notice of death of pharmaceutical chemist, or chemist and druggist, to be

29. Every registrar of deaths in Ireland, on receiving notice of the death of any person registered under this Act as a pharmaceutical chemist or as a chemist and druggist, shall forthwith transmit by post to the registrar under this Act a

given by registrars of deaths.

certificate, under his own hand, of such death, with the particulars of the time and place of death, and on receipt of such certificate the said registrar under this Act shall erase the name of such deceased pharmaceutical chemist or chemist and druggist from the proper register, and shall transmit to the said registrar of deaths the cost of such certificate and transmission, and may charge the cost thereof as an expense of his office.

Persons selling, or compounding poisons or assuming the title of pharmaceutical chemist to be qualified.

30. So much of the Act of 1791 as prohibits the keeping of open shop within the meaning of the said Act by any person other than a licentiate of Apothecaries Hall shall be repealed; provided always, that it shall be unlawful for any person to sell or keep open shop for retailing, dispensing, or compounding poisons within the meaning of the Act of the session of the thirty-third and thirty-fourth years of the reign of Her present Majesty, chapter twenty-six, or medical prescriptions, unless such person be registered as a pharmaceutical chemist or a chemist and druggist under this Act, or to assume or use the title of Pharmaceutical Chemist, or Pharmaceutist, or Pharmacist, or Dispensing Chemist, or the title of Chemist and Druggist in any part of Ireland, unless such person shall be registered as a pharmaceutical chemist or as a chemist and druggist respectively under this Act; and any person acting in contravention of this enactment, or compounding any medicines of the British Pharmacopœia, except according to the formularies of the said Pharmacopœia, shall for every such offence be liable to pay a penalty of five pounds; but no such penalty shall exempt any person from being liable to any other penalty, damage, or punishment to which he would have been subject if this Act had not passed: Provided always, that nothing in this section contained shall affect any licentiate of Apothecaries Hall, or any person who shall have been registered as a legally qualified medical practitioner before the passing of this Act, or who shall be registered as a legally qualified practitioner after the passing of this Act, and who, in order to obtain his diploma, shall have passed an examination in pharmacy.

Reserving rights of certain persons.

31. Nothing in this Act contained shall extend to or interfere with the making or dealing in patent medicines, or with the business of wholesale dealers in supplying poisons in the ordinary course of wholesale dealing, or of chemists or druggists who are practising as such in Ireland upon their own account at the time of the passing of this Act, save and except the provisions against the compounding of poisons or medical prescriptions, and against the preparing of any medicines of the British Pharmacopœia except according to the formularies of the said Pharmacopœia; and nothing in this Act contained shall prevent any person who is a member of the Royal College of Veterinary Surgeons of Great Britain,

or holds a certificate in veterinary surgery from the Highland and Agricultural Society of Scotland, from dispensing medicines for animals under his care.

32. Upon the decease of any person registered under this Act as a pharmaceutical chemist or as a chemist and druggist, actually in business at the time of his death, it shall be lawful for any executor, administrator, or trustee of the estate of such pharmaceutical chemist or chemist and druggist to continue such business, if and so long only as such business shall be bonâ fide conducted by a duly qualified assistant, and a duly qualified assistant within the meaning of this section shall be a pharmaceutical chemist or a chemist and druggist registered as such under this Act.

Provision for continuation of business in case of death.

33. Registration under this Act shall not entitle any person so registered to practise medicine or surgery, or any branch of medicine or surgery.

Registration not to entitle to practice of medicine, &c.

34. Any person registered as a pharmaceutical chemist under this Act shall be qualified to be appointed to and to hold the office of apothecary in any district lunatic asylum or county gaol or prison in Ireland, but shall not be entitled to prescribe for patients.

Pharmaceutical chemist may be apothecary in lunatic asylum, &c.

35. The Lord Lieutenant and Privy Council may direct the name of any person who is convicted of any offence against this Act which in their opinion renders him unfit to be on any register under this Act to be erased from such register, and it shall be the duty of the registrar to erase the same accordingly.

Power to erase names from register.

36. Every penalty recoverable under the provisions of this Act shall be recoverable in a summary way, with respect to the police district of Dublin metropolis subject and according to the provisions of any Act regulating the powers and duties of justices of the peace for such district or of the police of such district, and with respect to other parts of Ireland, before a justice or justices of the peace sitting in petty sessions, subject and according to the provisions of The Petty Sessions (Ireland) Act, 1851, and any Act amending the same.

Recovery and application of penalties.

One third of every sum of money recovered as a penalty under this Act shall be paid to the person who shall be the means of bringing to justice any person committing any offence against any of the provisions of this Act, and the remainder of such sum shall be paid to the treasurer, and shall by him be applied to the purposes of this Act in the manner prescribed by any regulation made in pursuance of this Act.

SCHEDULE.

Name.	Residence.	Date of Registration.
A.B.	Grafton Street, Dublin - -	January 10th, 187 .
C.D.	Patrick Street, Cork - -	March 4th, 187 .
E.F.	Corn Market, Belfast - -	June 15th, 187 .

CHAPTER 58.

An Act to authorise Advances to the Public Works Loan Commissioners for enabling them to make Loans under divers Acts authorising such Loans.

[11th August 1875.]

WHEREAS under divers Acts the Public Works Loan Commissioners are authorised to make loans for the purposes mentioned in those Acts:

And whereas it is expedient to authorise such advances out of the Consolidated Fund as herein-after mentioned for the purposes of such loans:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

Short title.

1. This Act may be cited as "The Public Works Loans (Money) Act, 1875."

Power to issue money out of the Consolidated Fund for loans.

2. When it appears to the Commissioners of Her Majesty's Treasury that the money required for the purpose of any loans by the Public Works Loan Commissioners cannot be issued under any Act in force at the passing of this Act, they may from time to time cause to be charged upon and issued out of the Consolidated Fund of the United Kingdom, or the growing produce thereof, any sums of money not exceeding in the whole three million pounds sterling for the purpose of such loans.

Such sums shall not be issued after the expiration of three months after the end of the financial year ending on the thirty-first day of March one thousand eight hundred and seventy-six, or after any earlier date at which a further Act authorising the issue of money for the purpose of the said loans comes into operation.

Moneys so issued to be applied to loans.

3. All moneys issued out of the Consolidated Fund in pursuance of this Act shall be placed to the account at the Bank of England of the Commissioners for the Reduction of

the National Debt, and shall be at the disposal of the Public Works Loan Commissioners for the purposes of loans by them; and all enactments for the time being in force for the regulation of the Public Works Loan Commissioners, and the moneys at their disposal and their securities, and the proceedings thereon, shall, so far as such enactments are consistent with this Act, apply in the case of the moneys issued in pursuance of this Act.

Power to borrow money for issues, or for replacing issues out of the Consolidated Fund.

4. In order to meet any sum to be issued out of the Consolidated Fund in pursuance of this Act or any other Act authorising the issue of money to the Public Works Loan Commissioners, or to replace any sum which has been so issued, or any portion thereof, the Commissioners of Her Majesty's Treasury may from time to time, as they think fit, raise any sum or sums, by the issue of Exchequer bonds or Exchequer bills, or by otherwise borrowing the same on the credit of the charge created by this Act on the Consolidated Fund, or by all of such means, and the sums so raised shall be placed to the credit of the account of Her Majesty's Exchequer, and form part of the Consolidated Fund:

Provided that the amount raised in pursuance of this section in any one financial year ending on the thirty-first day of March shall not exceed the excess of the issues out of the Consolidated Fund to the Public Works Loan Commissioners during that year over the repayments to the Consolidated Fund during that year in respect of the principal of loans granted by those Commissioners either before or after the passing of this Act.

The principal moneys borrowed in pursuance of this section (otherwise than by the issue of Exchequer bonds), and all interest from time to time due thereon, or on Exchequer bonds issued under this section (not exceeding the rate of four per cent. per annum), shall be charged upon and be payable out of the Consolidated Fund of the United Kingdom or out of the growing produce thereof.

The principal moneys of any Exchequer bonds issued under this section shall be paid out of such moneys as may be provided by Parliament for that purpose.

CHAPTER 59.

An Act to amend the Public Records (Ireland) Act, 1867, and to make provision for keeping safely Parochial Records in Ireland. [11th August 1875.]

WHEREAS the parish records and registries of baptisms, marriages, and burials, and other parochial records, books, and documents in the several parishes in Ireland are

under the care of several persons, and many of them are kept in unfit and unsafe buildings:

And whereas doubts have arisen as to whether the said several records, registries, and parochial documents are public records within the meaning and for the purposes of the "Public Records (Ireland) Act, 1867:"

And whereas it is expedient to provide for the safe custody of the said records, registries, and parochial documents by the transfer thereof to the Public Record Office of Ireland, and to make such other provisions in relation thereto as are in this Act contained:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as The Public Records (Ireland) Act, 1867, Amendment Act, 1875.

Extent of Act.

2. This Act shall extend to Ireland only.

Construction of Act.

3. The Public Records (Ireland) Act, 1867, and this Act shall be read and construed together as one Act.

Interpretation.

4. In this Act—

The expression "parochial officer" shall be taken to mean any rector, vicar, curate, parish clerk, or other parish officer of the Church of Ireland, holding such office on the thirty-first day of December one thousand eight hundred and seventy, and any person who after the said date discharged, or at the present time discharges, or who may hereafter discharge duties similar or analogous to the duties which such parochial officer then discharged:

The term "record" shall mean any diocesan or parochial record, minute of proceedings, paper, book, document, or registry, of or relating to any baptism, marriage, burial, or ordination, or other diocesan or parochial matter of a public nature, which, on the thirty-first day of December one thousand eight hundred and seventy, was in the possession or custody of any parochial officer:

The expression "Master of the Rolls" shall mean the Master of the Rolls for the time being in Ireland:

The expression "Record Office" shall mean the Public Record Office of Ireland.

Records to be in custody of the Master of the Rolls.

5. Every record shall, from and after the passing of this Act, be under the charge and control of the Master of the Rolls, in the name and on behalf of Her Majesty, her heirs and successors, subject to the provisions relating to their care and custody herein-after contained.

6. Any record which on the thirty-first day of December one thousand eight hundred and seventy was in the custody and care of a parochial officer shall continue in the custody and care of such person, provided that he now continues, and so long as he shall hereafter continue, to discharge the same or similar duties in the church or chapel or parish with which such record was connected. As to all other records, and also as to the said records, when such parochial officer shall cease in such church or chapel or parish to discharge the said duties, the Master of the Rolls shall, as soon as conveniently may be, issue warrants directed to the several persons having the care of any record or records, ordering such persons to allow the same to be removed from its or their present place of custody, and deposited in the Record Office; and every such warrant shall be kept among the public records in the custody of the Master of the Rolls, and shall be a sufficient warrant for the removal of such record or records as shall be specified therein.

Custody and removal of records.

7. In case, since the thirty-first day of December one thousand eight hundred and seventy, entries of marriages, baptisms, burials, or other matters shall have been continued in the same book which had been in use for the purpose before the said date, it shall be lawful for the Master of the Rolls to make a special order in relation to such book, and thereby to authorise the custody and care of such book to be retained by any person whom he shall by such order authorise, and such person shall on accepting such custody and care be bound to take care thereof.

Custody of books of marriages, baptisms, and burials.

8. The removal of any record to the Record Office, by authority of the Master of the Rolls, shall not in any manner affect the authenticity or legal validity of such record; but any such record deposited in the Record Office, and there kept under the authority of the Master of the Rolls, shall be taken to be in its legal place of deposit, and every such record removed as aforesaid shall be of the same legal validity in all courts and proceedings in the same manner as if such record had not been removed.

Validity of records after removal.

9. The Master of the Rolls or Deputy Keeper of the Records may allow copies to be made of any of the said records at the request and costs of any person desirous of procuring the same; and any copy so made shall be examined and certified as a true and authentic copy by the Deputy Keeper of the Records, or by the Assistant Deputy Keeper of the Records, and shall be sealed or stamped with the seal of the Record Office, and delivered to the party for whose use it was made.

Power to make authentic copies of records, which shall be sealed.

10. Every copy of a record in the custody of the Master of the Rolls, certified as aforesaid, and purporting to be sealed or stamped with the seal of the Record Office, shall be received as evidence in any court of justice, and before any legal tri-

Such copies, sealed with the seal of the Record Office, to be received in evidence.

bunal, and before either House of Parliament, or any committee of either House, without any further or other proof thereof, in every case in which the original record could have been received there as evidence.

Record to remain in present custody until removed.

11. Until removal to the Record Office pursuant to the provisions of this Act, every record shall remain in the custody and care of the parochial officer with whom it is at the time of the passing of this Act, and such officer shall, during such time, be bound to take care of same.

Parochial officers to make inventories.

12. Every parochial officer shall be bound to return to the Master of the Rolls a complete and true inventory of all records in his possession, custody, or care, in such form as the Master of the Rolls shall direct, within three months after he shall be directed so to do.

Notice to be given in certain cases by parochial officers, and notice of deaths of parochial officers to be given by registrars of deaths.

13. Every parochial officer having the custody and care of any record shall, if at any time during his life he ceases to discharge his duties in the church or chapel or parish with which such record was connected, give notice thereof to the Master of the Rolls; and every registrar of deaths in Ireland, on receiving notice of the death of any parochial officer, shall forthwith transmit by post to the Master of the Rolls a certificate under his own hand of such death, with the particulars of the time and place of death, and on receipt of such certificate the Master of the Rolls shall transmit to the said registrar of deaths the cost of such certificate and transmission.

Expenses of Act.

14. All expenses incurred by or by order of the Master of the Rolls in the execution of this Act shall be paid out of moneys to be provided by Parliament for such purposes.

Violation of the provisions of the Act a contempt.

15. If any parochial officer shall neglect to furnish such inventory when so required, or do any other act in violation of the provisions and directions of this Act, he shall be guilty of contempt, and shall and may be proceeded against by order of the Master of the Rolls as if he had disobeyed a judicial order made by him in a cause.

CHAPTER 60.

An Act to consolidate and amend the Law relating to Friendly and other Societies.

[11th August 1875.]

WHEREAS it is expedient to consolidate and amend the law relating to friendly and certain other societies:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as The Friendly Societies Act, 1875. Short title of Act.

2. This Act shall come into operation as to sections ten, thirty-seven, and thirty-eight on the passing of the Act, and as to the remainder of the Act on the first day of January one thousand eight hundred and seventy-six, which day is herein-after referred to as the commencement of this Act. Commencement of Act.

3. This Act extends to Great Britain and Ireland, the Channel Islands, and the Isle of Man. Extent of Act.

4. In this Act, if not inconsistent with the context, the following terms have the meanings herein-after respectively assigned to them: Definitions.

"The Treasury" means the Lords Commissioners of Her Majesty's Treasury:

"England" includes the Channel Islands and the Isle of Man (except as herein-after provided):

"The Registrar" means for England the central office, and for Scotland or Ireland the assistant registrar for either country respectively:

"Country" means England, Scotland, or Ireland, as the case may be:

The several ridings of the county of York, the several Channel Islands, and the Isle of Man, respectively, shall be deemed to be counties:

"Land" includes hereditaments, and in Scotland heritable subjects, of whatever description, and chattels real:

"Property" means all real and personal estate (including books and papers):

"Registered society" means a society registered or deemed to be registered under this Act:

"Industrial assurance company" means any company, as defined by 'The Life Assurance Companies Act, 1870,' which grants assurances on any one life for a less sum than twenty pounds, and which receives premiums or contributions in Great Britain or Ireland, by means of collectors, at less periodical intervals than two months:

"Amendment of rule" includes a new rule, and a resolution rescinding a rule:

"Rules" means rules for the time being:

"Branch" means any number of the members of a society, under the control of a central body, having a separate fund, administered by themselves or by a committee or officers appointed by themselves:

"Persons claiming through a member" includes the heirs, executors, administrators, and assigns of a member, and also his nominees where nomination is allowed:

"Collector" includes every paid officer, agent, or person, howsoever remunerated, who, by himself or by any deputy or substitute, collects contributions for a society, or

holds any interest in a collecting book of the same, but does not include—

(*a.*) The secretary or other officer of a branch of a society who receives contributions on behalf of such society, or of any other branch of the same:

(*b.*) Any officer appointed to superintend and receive moneys from collectors within a specified area, and not being himself a collector as herein-before defined:

(*c.*) Any agent appointed and remunerated by members, and not under the control of the society, or of any officer thereof:

"Officer" extends to any trustee, treasurer, secretary, or member of the committee of management of a society, or person appointed by the society to sue and be sued on its behalf:

"Meeting" includes (where the rules of a society so allow) a meeting of delegates appointed by members:

For Scotland, "court of summary jurisdiction" means the sheriff court of the county:

"County court" means for Scotland the sheriff court of the county, and for Ireland the Civil Bill Court; for Scotland, "administration" means confirmation, and "misdemeanor" a crime and offence:

"Summary Jurisdiction Acts" means—

As to England, the Act 11 & 12 Vict. c. 43. and any Acts amending the same;

As to Ireland, within the police district of Dublin metropolis, the Acts regulating the powers and duties of justices of the peace for such district, and of the police of such district; elsewhere in Ireland, the "Petty Sessions (Ireland) Act, 1851," and any Act amending the same:

"Gazette" means the London Gazette for England, the Edinburgh Gazette for Scotland, and the Dublin Gazette for Ireland.

Repeal of Acts and Parts of Acts in First Schedule.

5. The Acts set forth in the first schedule hereto are repealed from the commencement of this Act to the extent set forth in the third column of the said schedule; but this repeal, or anything herein contained, shall not affect the past operation of the said Acts, or the force or operation, validity or invalidity, of anything done or suffered, or any bond or security given, right, title, obligation, or liability accrued, contract entered into, or proceedings taken, under any of the said Acts, or under the rules of any society registered or certified thereunder, before the commencement of this Act.

As to existing societies.

6. Every society now subsisting whose rules have been registered, enrolled, or certified under any Act relating to friendly societies or cattle insurance societies, shall be deemed

to be a society registered under this Act, and its rules shall, so far as the same are not contrary to any express provision of this Act, continue in force until altered or rescinded.

Provided that nothing herein contained shall affect the validity of the rules of friendly societies established before the fifteenth day of August one thousand eight hundred and fifty, notwithstanding that the contingent annual payments to which the members or the nominees of the members of such societies may become entitled may exceed the limit hereby fixed.

Societies with deposited rules.

7. Section forty-four of the Act of the eighteenth and nineteenth Victoria, chapter sixty-three, shall continue to have effect (notwithstanding its repeal by this Act) with regard to any society whose rules have been deposited thereunder, but only until the society is registered under this Act, or until the thirty-first day of December one thousand eight hundred and seventy-eight, whichever shall first happen.

Classes of societies.

8. The following societies may be registered under this Act; viz.,

Friendly societies.

(1.) Societies (herein called friendly societies) established to provide by voluntary subscriptions of the members thereof, with or without the aid of donations—

For the relief or maintenance of the members, their husbands, wives, children, fathers, mothers, brothers or sisters, nephews or nieces, or wards being orphans, during sickness or other infirmity, whether bodily or mental, in old age (which shall mean any age after fifty,) or in widowhood, or for the relief or maintenance of the orphan children of members during minority;

For insuring money to be paid on the birth of a member's child, or on the death of a member, or for the funeral expenses of the husband, wife, or child of a member, or of the widow of a deceased member, or, as respects persons of the Jewish persuasion, for the payment of a sum of money during the period of confined mourning;

For the relief or maintenance of the members when on travel in search of employment, or when in distressed circumstances, or in case of shipwreck, or loss or damage of or to boats or nets;

For the endowment of members or nominees of members at any age;

For the insurance against fire to any amount not exceeding fifteen pounds of the tools or implements of the trade or calling of the members;

Provided that no society (except as aforesaid) which contracts with any person for the assurance of an annuity exceeding fifty pounds per annum, or of a gross sum exceeding two hundred pounds, shall be registered under this Act:

Cattle insurance societies.

(2.) Societies (herein called cattle insurance societies) for the insurance to any amount against loss by death of neat cattle, sheep, lambs, swine, and horses from disease or otherwise:

Benevolent societies.

(3.) Societies for any benevolent or charitable purpose (herein called benevolent societies):

Working men's clubs.

(4.) Societies (herein called working men's clubs) for purposes of social intercourse, mutual helpfulness, mental and moral improvement, and rational recreation:

Specially authorised societies.

(5.) Societies for any purpose which the Treasury may authorise as a purpose to which the powers and facilities of this Act ought to be extended (herein called "specially authorised societies").

Limited application of Act.

9. The Treasury may limit the application of this Act, as respects specially authorised societies, to such of the provisions herein contained as may be specified in the authority for registering any such society.

The registry office.

10. With respect to the registry office, the following provisions shall have effect:—

The chief and assistant registrars.

(1.) There shall be a chief registrar of friendly societies (herein termed "the chief registrar"), and one or more assistant registrars of friendly societies for England (herein termed "assistant registrars for England"), and such chief registrar and assistant registrars for England shall constitute the central office after mentioned. There shall be an assistant registrar of friendly societies for Scotland (herein termed "assistant registrar for Scotland"), and an assistant registrar of friendly societies for Ireland (herein termed "assistant registrar for Ireland").

Chief and assistant registrars to hold office during pleasure.

(2.) Every chief registrar and assistant registrar shall be appointed by and shall hold his office during the pleasure of the Treasury.

Qualification of chief and assistant registrars.

(3.) Every chief registrar shall be a barrister of not less than twelve years standing, and one at least of the assistant registrars for England, and every assistant registrar for Ireland shall be a barrister or solicitor of not less than seven years standing, and every assistant registrar for Scotland an advocate, writer to the signet, or solicitor of not less than seven years standing. The central office may also, with the approval of the Treasury, have attached to it such assistants skilled in the business of an actuary and an accountant as shall from time to time be required for discharging the duties imposed on the office by this Act.

Central office to exercise functions of registrar of friendly or building societies for England, and barrister to

(4.) The central office shall exercise all the functions and powers which are now by law vested in the registrar of friendly societies or the registrar of building societies for England, or as respects loan societies, building societies, and societies instituted for purposes of science, literature, or the fine arts, in the barrister appointed to certify the rules of savings banks or friendly societies, and shall be entitled to

receive all statutory fees payable to such registrar or barrister, and all enactments relating to such registrar or barrister, so far as respects such societies as aforesaid, shall be construed as applying to the central office.

certify savings banks.

(5.) The central office shall, with the approval of the Treasury, from time to time—

Other functions of central office:

(*a.*) Prepare and cause to be circulated, for the use of societies, model forms of accounts, balance sheets, and valuations:

preparation of model forms;

(*b.*) Collect from the returns under this Act and from other sources, and publish and circulate, either generally or in any particular district, or otherwise make known such information on the subject of the statistics of life and sickness, and the application thereof to the business of friendly societies, and from time to time publish generally or in particular districts such particulars of their returns and valuations, and such other information useful to the members of or to persons interested in friendly or other societies registered or which might be registered under this Act, as the chief registrar shall from time to time think fit:

circulation of information.

(*c.*) Cause to be constructed and published tables for the payment of sums of money on death, in sickness, or old age, or on any other contingency forming the subject of an assurance authorised under this Act which may appear to be calculable: Provided, nevertheless, that the adoption of such tables by any society shall be optional.

Construction of tables.

(6.) The chief registrar shall every year lay before Parliament a report of his proceedings and of those of the assistant registrars, and of the principal matters transacted by him and them and of the valuations returned to or caused to be made by the registrar during the year preceding.

Chief registrar to report yearly to Parliament.

(7.) The assistant registrars shall, except as after provided, be subordinate to the chief registrar. They shall, within the countries for which they are respectively appointed, exercise all functions and powers by this Act given to the registrar, and may also, by the written authority of the chief registrar, exercise such of the functions and powers by this Act given to the chief registrar as he shall from time to time delegate to them.

Functions of assistant registrars generally.

(8.) Subject to any regulations to be made under this Act, the assistant registrars for Scotland and Ireland respectively shall,—

Functions of assistant registrars for Scotland and Ireland.

(*a.*) Exercise all the functions and powers now vested in the registrars of friendly or building societies for Scotland and Ireland respectively, or as respects building societies and societies instituted for purposes of science, literature, or the fine arts, vested

in Scotland in the Lord Advocate or his depute appointed to certify the rules of friendly societies there, or in Ireland in the barrister appointed to certify the rules of friendly societies there, and shall be entitled to receive all fees payable to such registrar, Lord Advocate, or his depute or barrister respectively, and so that all provisions in any Acts of Parliament not hereby repealed relating to such registrar, Lord Advocate, or his depute or barrister respectively, shall be construed as applying to such assistant registrars respectively:

(*b.*) Send to the central office copies of all such documents registered or recorded by them as the chief registrar shall from time to time direct:

(*c.*) Record all such documents and matters as shall be sent to them for record from the central office, and such other documents and matters as herein provided:

(*d.*) Circulate and publish, or transmit to or from societies registered within their respective countries, from or to the central office, such information and documents relating to the purposes of this Act as the chief registrar, with the approval of the Treasury, shall from time to time direct:

(*e.*) Report from time to time their proceedings to the chief registrar as he shall direct.

(9.) No assistant registrar for Scotland or Ireland shall refuse to record any rules or amendments of rules which have been registered by the central office.

Registry of societies.

11. With respect to the registry of societies, the following provisions shall have effect:

Societies for registry to consist of seven persons at least.

(1.) No society can be registered under this Act which does not consist of seven persons at least.

The application for registry.

(2.) For the purpose of registry an application to register the society, signed by seven members and the secretary, and written or printed copies of the rules, together with a list of the names of the secretary and of every trustee or other officer authorised to sue and be sued on behalf of the society, shall be sent to the registrar.

Identity, or deceptive similarity of name not to be allowed.

(3.) No society shall be registered under a name identical with that under which any other existing society is registered, or so nearly resembling such name as to be likely, or in any name likely, in the opinion of the registrar, to deceive the members or the public as to its identity, and no society shall change its name without the sanction of the chief or an assistant registrar as after provided.

Dividing societies may be registered,

(4.) A society (other than a benevolent society or working men's club) shall not be disentitled to registry by reason of any rule for or practice of dividing any part of the funds thereof if the rules thereof contain distinct provision for

meeting all claims upon the society existing at the time of division before any such division takes place.

(5.) No society assuring to any member a certain annuity shall be entitled to registry, unless the tables of contributions for such assurance, certified by the actuary to the Commissioners for the Reduction of the National Debt, or by some actuary approved by the Treasury, who has exercised the profession of actuary for at least five years, be sent to the registrar with the application for registry.

Societies granting annuities to have tables certified by actuary.

(6.) Societies carrying or intending to carry on business in more than one country shall be registered in the country in which their registered office, as herein mentioned, is situate; but copies of the rules of such societies, and of all amendments of the same, shall, when registered, be sent to the registrar of each of the other countries, to be recorded by him; and until such rules be so recorded the society shall not be entitled to any of the privileges of this Act in the country in which such rules have not been recorded, and until such amendments of rules be recorded the same shall not take effect in such country.

Registry of societies doing business in more than one country.

(7.) The registrar, on being satisfied that a society has complied with the provisions as to registry in force under this Act, shall issue to such society an acknowledgment of registry, which shall specify the designation of the society, according to the classification herein set forth.

The acknowledgment of registry.

(8.) If any registrar refuse to register the society or any rules, the society may appeal from such refusal, as follows:

Appeals from refusal to register.

(*a.*) If the assistant registrar for Ireland refuse to register, to the Court of Queen's Bench at Dublin:

(*b.*) If the assistant registrar for Scotland refuse to register, to the Court of Session:

(*c.*) If the central office or the chief registrar refuse to register, to the Court of Queen's Bench in England:

(*d.*) Either division of the Inner House of the Court of Session, the Court of Queen's Bench at Dublin, and the Judges of the Court of Queen's Bench in England respectively, may make rules or orders as to the form of appeals and the trying thereof and otherwise relating thereto.

(9.) If the refusal of registry be overruled on appeal, an acknowledgment of registry shall thereupon be given to the society by the registrar.

If refusal overruled, acknowledgment of registry to be given.

(10.) The acknowledgment of registry shall be conclusive evidence that the society therein mentioned is duly registered, unless it be proved that the registry of the society has been suspended or cancelled.

Effect of acknowledgment of registry.

12. With respect to the cancelling or suspension of registry the following provisions shall have effect:

Cancelling and suspension of registry.

Cancelling.

(1.) The chief registrar, or in the case of societies registered and doing business in Ireland or Scotland exclusively, the assistant registrar for Ireland or Scotland respectively, may cancel the registry of a society by writing under his hand,—

(*a.*) If he thinks fit, at the request of a society, to be evidenced in such manner as he shall from time to time direct:

(*b.*) With the approval of the Treasury, on proof to his satisfaction that an acknowledgment of registry has been obtained by fraud or mistake, or that a society exists for an illegal purpose, or has wilfully and after notice from a registrar whom it may concern violated any of the provisions of this Act, or has ceased to exist.

Suspension.

(2.) The chief or assistant registrar, in any case in which he might, with the approval of the Treasury, cancel the registry of a society, may suspend the same, by writing under his hand, for any term not exceeding three months, and may, with the approval of the Treasury, renew such suspension from time to time for the like period.

Notice of cancelling or suspension.

(3.) Not less than two months previous notice in writing, specifying briefly the ground of any proposed cancelling or suspension of registry, shall be given by the chief or assistant registrar to a society before the registry of the same can be cancelled (except at its request) or suspended; and notice of every cancelling or suspension shall be published in the Gazette, and in some newspaper circulating in the county in which the registered office of the society is situated, as soon as practicable after the same takes place.

Appeal from cancelling or suspension.

(4.) A society may appeal from the cancelling of its registry, or from any suspension of the same which is renewed after six months, in manner herein provided for appeals from the chief registrar's or the registrar's refusal to register respectively.

Effect of cancelling or suspension.

(5.) A society whose registry has been suspended or cancelled shall from the time of such suspension or cancelling (but if suspended, only whilst such suspension lasts, and subject also to the right of appeal hereby given) absolutely cease to enjoy as such the privileges of a registered society, but without prejudice to any liability actually incurred by such society, which may be enforced against the same as if such suspension or cancelling had not taken place.

Rules and amendments.

13. With respect to the rules of societies the following provisions shall have effect:

Provisions to be contained in rules.

(1.) The rules of every society sent for registry shall, according to the class in which the society is to be registered, contain provisions in respect of the several matters mentioned in the second schedule to this Act.

Amendments to be registered.

(2.) No amendment of a rule made by a registered society shall be valid until the same has been registered under this

Act, for which purpose copies of the same, signed by three members and the secretary, shall be sent to the registrar.

(3.) The provision herein contained as to appeals from a refusal of registry shall apply to amendments of rules. **Provision applicable to amendments.**

(4.) The registrar shall, on being satisfied that any amendment of a rule is not contrary to the provisions of this Act, issue to the society an acknowledgment of registry of the same, which shall be conclusive evidence that the same is duly registered. **Acknowledgment of registry of amendments.**

(5.) A copy of the rules of a registered society shall be delivered by the society to every person on demand, on payment of a sum not exceeding one shilling. **Copies of rules to be delivered on demand.**

(6.) If any person, with intent to mislead or defraud, gives to any other person a copy of any rules, laws, regulations, or other documents, other than the rules for the time being registered under this Act, on the pretence that the same are existing rules of a registered society, or that there are no other rules of such society, or gives to any person a copy of any rules on the pretence that such rules are the rules of a registered society when the society is not registered, the person so offending shall be deemed guilty of a misdemeanor. **Delivery of untrue rules.**

14. With respect to the duties and obligations of registered societies the following provisions shall have effect: **Duties and obligations of societies.**

(1.) Every registered society shall—

(*a.*) Have a registered office to which all communications and notices may be addressed, and send to the registrar notice of the situation of such office, and of every change therein: **Registered office.**

(*b.*) From time to time at some meeting of the society, and by a resolution of a majority of the members present and entitled to vote thereat, appoint one or more trustees of the society, and send to the registrar a copy of every resolution appointing a trustee, signed by the trustee so appointed, and by the secretary of the society: **Appointment of trustees.**

(*c.*) Once at least in every year submit its accounts for audit either to one of the public auditors appointed as herein mentioned, or to two or more persons appointed as the rules of the society provide, which auditors shall have access to all the books and accounts of the society, and shall examine the general statement of the receipts and expenditure, funds and effects of the society, and verify the same with the accounts and vouchers relating thereto, and shall either sign the same as found by them to be correct, duly vouched, and in accordance with law or specially report to the society in what respects they find it incorrect, unvouched, or not in accordance with law: **Audit.**

Annual returns.

(*d.*) Once in every year before the first day of June send to the registrar a general statement (to be called the annual return) of the receipts and expenditure, funds and effects of the society as audited, which shall show separately the expenditure in respect of the several objects of the society, and shall be made out to the thirty-first December then last inclusively, and a copy of the auditor's report, if any, shall also be sent to the registrar with such general statement; and such annual return shall state whether the audit has been conducted by a public auditor appointed as in this Act provided, and by whom; and, if by any person or persons other than a public auditor, shall state the name, address, and calling or profession of each of such persons, and the manner in which and the authority under which they were respectively appointed:

Quinquennial returns.

(*e.*) Within six months after the thirty-first day of December one thousand eight hundred and seventy-five, and so again within six months after the expiration of every five years succeeding, send to the registrar a return (to be called the quinquennial return) of the sickness and mortality experienced by the society during the five years preceding the 31st December then last past; an abstract of which returns shall be laid before Parliament:

Quinquennial valuations.

(*f.*) Once at least in the five years next after the commencement of this Act, or the registry of the society, and so again within six months after the expiration of every five years succeeding the date of the first valuation under this Act, either cause its assets and liabilities to be valued by a valuer to be appointed by the society, and send to the registrar a report, signed by such valuer, and which shall also state his address and calling or profession, on the condition of the society, and an abstract to be made by him of the results of his valuation, together with a return containing such information with respect to the benefits assured and contributions receivable by the society, and of its funds and effects, debts and credits, as the registrar may from time to time require, or send to the registrar a return of the benefits assured and contributions receivable from all the members of the society, and of all its funds and effects, debts and credits, accompanied by such evidence in support thereof as the chief registrar prescribes, in which case the registrar shall cause the assets and liabilities of the society to be valued and reported on by some actuary, and shall send to the society a copy of his

report, and an abstract of the results of his valuation:

(*g.*) Allow any member or person having an interest in the funds of the society to inspect the books at all reasonable hours at the registered office of the society, or at any place where the same are kept, except that no such member or person, unless he be an officer of the society, or be specially authorised by a resolution of the society to do so, shall have the right to inspect the loan account of any other member without the written consent of such member: **Inspection of books.**

(*h.*) Supply gratuitously every member or person interested in the funds of the society, on his application, with a copy of the last annual return of the society for the time being: **Supplying copies of annual returns.**

(*i.*) Keep a copy of the last annual balance sheet for the time being, and of the last quinquennial valuation for the time being, together with the report of the auditors, if any, always hung up in a conspicuous place at the registered office of the society.

(2.) No society shall pay any sum of money upon the death of a member or other person whose death is or ought to be entered in any register of deaths, except upon the production of a certificate of such death, under the hand of the registrar of deaths, or other person having the care of the register of deaths in which such death is or ought to be entered. **Certificates of death to be required.**

(3.) It shall be an offence under this Act if any registered society— **Offences.**

(*a.*) Fails to give any notice, send any return or document, or do or allow to be done any act or thing which the society is by this Act required to give, send, do, or allow to be done:

(*b.*) Wilfully neglects or refuses to do any act or to furnish any information required for the purposes of this Act by the chief or any other registrar or other person authorised under this Act, or does any act or thing forbidden by this Act:

(*c.*) Makes a return or wilfully furnishes information in any respect false or insufficient.

(4.) Every offence by a society under this Act shall be deemed to have been also committed by every officer of the same bound by the rules thereof to fulfil any duty whereof such offence is a breach, or if there be no such officer, then by every member of the committee of management of the same, unless such member be proved to have been ignorant of or to have attempted to prevent the commission of such offence; and every default under this Act constituting an offence, if continued, constitutes a new offence in every week during which the same continues. **Offences by societies to be also offences by officers, &c.**

Returns to be in prescribed form.

(5.) Every annual, quinquennial, or other return, abstract of valuation, and other document required for the purposes of this Act shall be made in such form and shall contain such particulars as the chief registrar prescribes.

Recording of documents.

(6.) All documents by this section required to be sent to the registrar shall be deposited with the rules of the societies to which the same respectively relate, and shall be registered or recorded by the registrar, with such observations thereon, if any, as the chief registrar shall direct:

In what cases quinquennial returns, &c. may be dispensed with.

Provided that the chief registrar, with the approval of the Treasury, may dispense with the quinquennial return and with the valuation herein required in respect of societies to whose purposes or to the nature of whose operations he may deem the same inapplicable; and may also dispense with the quinquennial return in cases where, at the request of a society, he may, by inspection of the books thereof through any person whom he appoints, obtain such information as he deems sufficient of the sickness and mortality experienced by the society; and the provisions herein contained in respect of the quinquennial return and valuation shall not apply to benevolent societies, working men's clubs, or cattle insurance societies, nor to specially authorised societies, unless it be so directed in the authority for registering the same.

Privileges of societies.

15. Registered societies shall be entitled to the following privileges:

Corresponding Societies Acts, &c. not to affect registered societies.

(1.) No society or meeting of a society shall be affected by any of the provisions of the Acts of the thirty-ninth George the Third, chapter seventy-nine, or the fifty-seventh George the Third, chapter nineteen, if in such society or at such meeting no business is transacted other than that which directly and immediately relates to the objects of the society as declared in the registered rules thereof, but such society and all officers of the same shall, on request in writing by two justices of the peace, give full information to such justices of the nature, objects, proceedings, and practices of the society, in default whereof the provisions of the Acts in this section referred to shall, so far as applicable, be in force in respect of such society.

Exemption from stamp duty.

(2.) Stamp duty shall not be chargeable upon any of the following documents:

(*a.*) Power, warrant, or letter of attorney, granted by any person as trustee for the transfer of any money of the society invested in his name in the public funds:

(*b.*) Order or receipt for money contributed to or received from the funds of the society by virtue of its rules or of this Act:

(*c.*) Bond given to or on account of the society, or by the treasurer or other officer thereof:

(*d.*) Draft or order, or form of policy, or appointment or revocation of appointment of agent, or other docu-

ment required or authorised by this Act, or by the rules of the society.

(3.) A member of a society (other than a benevolent society or working men's club), not being under the age of sixteen years, may, by writing under his hand delivered at or sent to the registered office of the society, nominate any person, not being an officer or servant of the society, to whom any moneys payable by the society on the death of such member, not exceeding fifty pounds, shall be paid at his decease, and may from time to time revoke or vary such nomination by a writing under his hand similarly delivered or sent; and on receiving satisfactory proof of the death of a nominator, the society shall pay to the nominee the amount due to the deceased member, not exceeding the sum aforesaid.

Power of nomination for sums not exceeding fifty pounds.

(4.) If any member of a society, entitled from the funds thereof to a sum not exceeding fifty pounds, dies intestate and without having made any nomination under this Act which remains unrevoked at his death, such sum shall be payable, without letters of administration, to the person who appears to a majority of the trustees, upon such evidence as they may deem satisfactory, to be entitled by law to receive the same.

Distribution of sums not exceeding fifty pounds.

(5.) Whenever the society, after the decease of any member, pays any sum of money to the person who at the time appears to the trustees to be entitled under this section, the payment is valid and effectual against any demand made upon the trustees or the society by any other person.

Payments to persons apparently entitled valid.

(6.) When any person, being or having been a trustee of a society, and whether appointed before or after the legal establishment thereof, in whose name any stock belonging to such society transferable at the Bank of England or Bank of Ireland is standing, either jointly with another or others, or solely, is absent from England or Ireland respectively, or becomes bankrupt, or files any petition or executes any deed for liquidation of his affairs by assignment or arrangement, or for composition with his creditors, or becomes a lunatic, or is dead, or has been removed from his office of trustee, or if it be unknown whether such person is living or dead, the chief registrar, on application in writing from the secretary and three members of the society, and on proof satisfactory to him, may direct the transfer of the stock into the names of any other persons as trustees for the society; and such transfer shall be made by the surviving or continuing trustees, and if there be no such trustee, or if such trustees refuse or be unable to make such transfer, and the chief registrar so direct, then by the Accountant General or Deputy or Assistant Accountant General of the Bank of England or Bank of Ireland, as the case may be; and the Governors and Companies of the Bank of England and Bank of Ireland respectively are hereby indemnified for anything

When trustees are absent, &c., registrar may order stock to be transferred.

done by them or any of their officers in pursuance of this provision against any claim or demand of any person injuriously affected thereby.

Priority on death, bankruptcy, &c. of officer.

(7.) Upon the death, or bankruptcy, or insolvency of any officer of a society having in his possession by virtue of his office any money or property belonging to the society, or if any execution, attachment, or other process be issued, or action or diligence raised against such officer or against his property, his heirs, executors, or administrators, or trustee in bankruptcy or insolvency, or the sheriff or other person executing such process, or the party using such action or diligence respectively shall, upon demand in writing of the trustees of the society, or any two of them, or any person authorised by the society, or by the committee of management of the same, to make such demand, pay such money and deliver over such property to the trustees of the society in preference to any other debts or claims against the estate of such officer.

Bankruptcy or insolvency in the present section includes liquidation of a debtor's affairs by arrangement in England, cessio bonorum of a debtor in Scotland, and a petition for arrangement with creditors in Ireland; and a trustee in bankruptcy or insolvency includes an assignee in Ireland and a judicial factor in Scotland.

Membership of minors.

(8.) A person under the age of twenty-one but above the age of sixteen may be a member of a society, unless provision be made in the rules thereof to the contrary, and may, subject to the rules of the society, enjoy all the rights of a member (except as herein provided), and execute all instruments and give all acquittances necessary to be executed or given under the rules, but shall not be a member of the committee of management, trustee, manager, or treasurer of the society.

Provided as follows:

(*a.*) Societies and branches, consisting wholly of members of any age under sixteen years, but exceeding three years, may be allowed to register under this Act, subject to such regulations as may be made in that behalf:

(*b.*) No rule or practice in force at the commencement of this Act for the admission of members under sixteen years of age shall be deemed contrary to any express provision of this Act as respects any society already registered.

Limitation of cost of certificates of birth or death.

(9.) For the purpose of this Act a certificate of the birth or death of any member of or person insured or to be insured with a registered friendly society shall be given under his hand by the registrar of births or deaths, or other person having the care of the register of births or deaths, in which such birth or death is entered, for a sum not exceeding one shilling, in

place of all fees or payments in respect of the same, on application being made for the same in such form and under such regulations as shall be approved of by the registrar general of births, deaths, and marriages for England, Scotland, and Ireland respectively.

(10.) A society may subscribe out of its funds to any hospital, infirmary, charitable or provident institution, any annual or other sum which may be necessary to secure to members of the society and their families the benefits of such hospital, infirmary, or other institution, according to its rules. Society may subscribe to hospitals.

16. With respect to the property and funds of registered societies, the following provisions shall have effect: Property and funds of societies.

(1.) The trustees, with the consent of the committee of management or of a majority of the members of a society present and entitled to vote in general meeting, may from time to time invest the funds of such society, or any part thereof, to any amount in any of the following ways: Investment of funds.

(*a.*) In the Post Office Savings Bank, or in any Savings Bank certified under the Act of 1863:

(*b.*) In the public funds:

(*c.*) With the Commissioners for the Reduction of the National Debt as herein-after provided:

(*d.*) In the purchase of land, or in the erection or alteration of offices or other buildings thereon:

(*e.*) Upon any other security expressly directed by the rules of the society, not being personal security, except as herein-after authorised with respect to loans.

(2.) A society, or any branch of a society, may (if the rules thereof so provide) hold, purchase, or take on lease in the names of the trustees for the time being of such society or branch, in every county where it has an office, any land, and may sell, exchange, mortgage, lease, or build upon the same (with power to alter and pull down buildings and again rebuild), and no purchaser, assignee, mortgagee, or tenant shall be bound to inquire as to the authority for any sale, exchange, mortgage, or lease by the trustees, and the receipt of the trustees shall be a discharge for all moneys arising from or in connexion with such sale, exchange, mortgage, or lease; and for the purpose of this section no branch of a registered society need be separately registered: Provided that nothing herein contained shall authorise any benevolent society to hold land exceeding one acre in extent at any one time. Holding of land.

(3.) All property belonging to a society, whether acquired before or after the same is registered, shall vest in the trustees for the time being of the society, for the use and benefit of the society and the members thereof, and of all persons claiming through the members according to the rules of the society; and the property of any branch of a society shall vest in the trustees of such branch, or in the trustees of the society if Property of society, how vested.

the rules of the society so provide, for the use and benefit either of the members of such branch and persons claiming through such members, or of the members of the society generally, and persons claiming through them, according to the rules of the society.

Devolution on death, &c.

(4.) Upon the death, resignation, or removal of a trustee, whether of a society or branch, the property vested in such trustee vests in the succeeding trustees of such society or branch either solely or together with any surviving or continuing trustees, and until the appointment of succeeding trustees in such surviving or continuing trustees only, or in the executors or administrators of the last surviving or continuing trustee, as personal estate (whether the same be real or personal), subject to the same trusts, without conveyance or assignment, except that stocks and securities in the public funds of Great Britain and Ireland shall be transferred into the names of the succeeding trustees, either solely or jointly with any surviving or continuing trustees.

(5.) In all legal proceedings whatsoever concerning any such property the same shall be stated to be the property of the trustees for the time being in their proper names as trustees for the society or branch (as the case may be) without further description.

As to copyholds.

(6.) Where a society is entitled in equity to any hereditaments of copyhold or customary tenure, either absolutely or by way of mortgage or security, the lord of the manor of which the same are held shall from time to time, if the society so require, admit the trustees (not to exceed three) of such society as tenants in respect of such hereditaments, on payment of the usual fines, fees, and other dues payable on the admission of a single tenant.

Discharge of mortgages by receipt endorsed.

(7.) A receipt under the hands of the trustees, countersigned by the secretary, in the form contained in the third schedule to this Act, or in any form specified by the rules of the society or any schedule thereto, for all moneys secured to the society by any mortgage or other assurance, such receipt being endorsed upon or annexed to such mortgage or other assurance, vacates the same, and vests the property therein comprised in the person entitled to the equity of redemption of the same, without reconveyance or resurrender; but this provision does not apply to Scotland or to the Island of Jersey.

Registration of receipt.

(8.) If such mortgage or other assurance has been registered under any Act for the registration or record of deeds or titles, or is of copyholds or lands of customary tenure and entered on any court rolls, the registrar under such Act, or recording officer, or steward of the manor, or keeper of the register, shall on production of such receipt, verified by oath of any person, enter satisfaction on the register or on the court rolls respectively of such mortgage or of the charge made by such assu-

rance, and shall grant a certificate, either upon such mortgage or assurance, or separately to the like effect, which certificate shall be received in evidence in all courts and proceedings without further proof, and such registrar, recording officer, steward, or keeper of the register is entitled to a fee of two shillings and sixpence for making the said entry and granting the said certificate, and such fee shall in Ireland be paid by stamps, and applied as the other fees of the Registry of Deeds Office and Record of Title Office are by law directed to be paid and applied.

Punishment of fraud or misappropriation.

(9.) If any person obtains possession by false representation or imposition of any property of a society, or having the same in his possession withholds or misapplies the same, or wilfully applies any part thereof to purposes other than those expressed or directed in the rules of the society and authorised by this Act, he shall, on the complaint of the society, or of any member authorised by the society, or the trustees or committee of management of the same, or by the central office, or of the chief registrar or any assistant registrar by his authority, be liable on summary conviction to a penalty not exceeding twenty pounds and costs, and to be ordered to deliver up all such property, or to repay all moneys applied improperly, and in default of such delivery or repayment, or of the payment of such penalty and costs aforesaid, to be imprisoned, with or without hard labour, for any time not exceeding three months; but nothing herein contained prevents any such person from being proceeded against by way of indictment, if not previously convicted of the same offence under the provisions of this Act.

Trustees not to be personally liable.

(10.) Trustees of a society are not liable to make good any deficiency in the funds of such society, but are liable only for moneys actually received by them respectively on account of such society.

Investments with National Debt Commissioners.

17. With respect to the investment of funds with the Commissioners for the Reduction of the National Debt, the following provisions shall have effect:

1. The society may pay to the account of the Commissioners at the Bank of England or Ireland any sum of money not less than fifty pounds upon a declaration of the trustees of the society, or any two of them, that such moneys belong exclusively to the society:
2. The cashier of the bank shall receive all such moneys and place the same to the account of the Commissioners in the book of the bank named "The Fund for Friendly Societies:"
3. All moneys paid in upon a false declaration shall be forfeited to the Commissioners, and applied by them in the manner directed by the twenty-sixth and twenty-

seventh Victoria, chapter eighty-seven, section thirty-eight:

4. The provisions of the twenty-sixth and twenty-seventh Victoria, chapter eighty-seven, sections twenty-one (except so far as the same may be repealed by any Act to be passed in this session of Parliament), twenty-two, twenty-four, twenty-five, twenty-six, twenty-seven, and twenty-eight, as to the regulation of receipts, certificates, and orders, shall apply to moneys paid under this section:

5. The society shall be entitled to a receipt bearing interest at the rate of twopence per centum per diem:

6. Provided that a friendly society legally established before the twenty-eighth day of July one thousand eight hundred and twenty-eight which has invested any part of its funds with the Commissioners before the twenty-third day of July one thousand eight hundred and fifty-five, shall be entitled for any further investment made on account of any assurance made before the fifteenth day of August one thousand eight hundred and fifty to a receipt bearing interest at the rate of threepence per centum per diem:

7. And provided that a friendly society legally established between the twenty-eighth day of July one thousand eight hundred and twenty-eight and the fifteenth day of August one thousand eight hundred and fifty, which has invested any part of its funds with the Commissioners before the twenty-third day of July one thousand eight hundred and fifty-five, shall be entitled for any further investment made on account of any assurance made before the fifteenth day of August one thousand eight hundred and fifty to a receipt bearing interest at the rate of twopence halfpenny per centum per diem:

8. A society withdrawing money invested with the Commissioners shall not be entitled to make any further deposit without their consent:

9. Every society investing money with the Commissioners shall furnish from time to time such returns as may be required by the Commissioners, in respect of the funds deposited with them, and the assurances to which such funds relate:

10. A society having funds invested with the Commissioners at the rates of threepence or twopence halfpenny per centum per diem, shall retain at such rates so much only of its funds as arises from assurances made before the fifteenth day of August one thousand eight hundred and fifty, after deducting all benefit payments and management expenses incurred on account of such assurances; and whenever the society

fails to satisfy the Commissioners of its title to retain at either such rate the whole or any part of its funds, the Commissioners shall require the withdrawal of such funds or the transfer of the same to the rate of twopence per centum per diem, and, in default of withdrawal within thirty days, shall transfer the same in their books accordingly, and shall notify such transfer to the society:

11. Whenever it shall appear to the Commissioners that all the members of a society assured before the fifteenth day of August one thousand eight hundred and fifty have died or ceased to be members, the Commissioners shall forthwith transfer in their books to the rate of twopence per centum per diem all funds of the society remaining invested at any higher rate, and shall notify the same to the society.

Loans to members.

18. With respect to loans to members of registered societies, the following provisions shall have effect:

(1.) Not more than one half of the amount of an assurance on the life of a member of at least one full year's standing may be advanced to him, on the written security of himself and two satisfactory sureties for repayment; and the amount advanced, with all interest thereon, may be deducted from the sum assured, without prejudice in the meantime to the operation of such security.

Loans may be made out of separate loan fund.

(2.) A society may, out of any separate loan fund to be formed by contributions or deposits of its members, make loans to its members on their personal security, with or without sureties, as may be provided by the rules, subject to the following restrictions:

(*a.*) No loan can at any time be made out of moneys contributed for the other purposes of the society:

(*b.*) No member shall be capable of holding any interest in the loan fund exceeding two hundred pounds:

(*c.*) No society shall make any loan to a member on personal security beyond the amount fixed by the rules, or shall make any loan which, together with any moneys for the time being owing by a member to the society, shall exceed fifty pounds:

(*d.*) No society shall hold at any one time on deposit from its members any moneys beyond the amount fixed by the rules, which shall not exceed two thirds of the total sums for the time being owing to the society by the members who have borrowed from the loan fund.

Accumulating surplus of contributions for member's use.

19. The rules of a society may provide for accumulating at interest, for the use of any member of the same, any surplus of his contributions to the funds of the society which may remain after providing for any assurance in respect of

which the same are paid, and for the withdrawal of such accumulations from time to time.

Officers in receipt or charge of money.

20. With respect to officers of registered societies having receipt or charge of money, the following provisions shall have effect:

Security to be given.

(1.) Every officer, if the rules of the society require, shall, before taking upon himself the execution of his office, become bound with one sufficient surety at the least in a bond according to one of the forms set forth in the third schedule to this Act, or give the security of a guarantee society, in such sum as the society directs, conditioned for his rendering a just and true account of all moneys received and paid by him on account of the society at such times as its rules appoint, or as the society or the trustees or committee of management thereof require him to do so, and for the payment by him of all sums due from him to the society.

Accounts of officers.

(2.) Every officer, his executors or administrators, shall, at such times as by the rules of the society he should render account, or upon demand made, or notice in writing given or left at his last or usual place of residence, give in his account as may be required by the society, or by the trustees or committee of management of the society, to be examined and allowed or disallowed by them, and shall, on the like demand or notice, pay over all moneys and deliver all property for the time being in his hands or custody to such person as the society, or the committee of management, or the trustees appoint; and in case of any neglect or refusal to deliver such account, or to pay over such moneys or to deliver such property in manner aforesaid, the trustees or authorised officers of the society may sue upon the bond or security before mentioned, or may apply to the county court (which may proceed in a summary way), or to a court of summary jurisdiction, and the order of either such court shall be final and conclusive.

Legal proceedings.

21. With respect to legal proceedings against registered societies, the following provisions shall have effect:

(1.) The trustees of any society or branch, or any other officers authorised by the rules thereof, may bring or defend, or cause to be brought or defended, any action, suit, or other legal proceeding in any court whatsoever, touching or concerning any property, right, or claim of the society or branch, as the case may be, and shall sue and be sued, implead and be impleaded, in their proper names, without other description than the title of their office.

(2.) In legal proceedings which may be brought under this Act by a member or person claiming through a member, the society may also be sued in the name, as defendant, of any officer or person who receives contributions or issues policies on behalf of the society within the jurisdiction of the court

in which the legal proceeding is brought, with the addition of the words "on behalf of the society" (naming the same).

(3.) No legal proceeding shall abate or be discontinued by the death, resignation, or removal from office of any officer, or by any act of such officer after the commencement of the proceedings.

(4.) The summons, writ, process or other proceeding to be issued to or against the officer or other person sued on behalf of a society shall be sufficiently served by personally serving such officer or other person, or by leaving a true copy thereof at the registered office of the society, or at any place of business of the society within the jurisdiction of the court in which the proceeding is brought, or, if such office or place of business be closed, by posting such copy on the outer door of the same; but in all cases where the said summons, writ, process, or other proceeding shall not be served by means of such personal service or by leaving a true copy thereof at the registered office of the society, a copy thereof shall be transmitted addressed to the committee of management at the registered office of the society, and the same shall be enclosed in a registered letter posted at least six days before any further step shall be taken on such summons, writ, process, or other proceeding.

22. Every dispute between a member or person claiming through a member or under the rules of a registered society, and the society, or an officer thereof, shall be decided in manner directed by the rules of the society, and the decision so made shall be binding and conclusive on all parties without appeal, and shall not be removable into any court of law or restrainable by injunction; and application for the enforcement thereof may be made to the county court. **Disputes.**

Provided as follows:—

(*a.*) The parties to a dispute in a society may, by consent (unless the rules of such society expressly forbid it), refer such dispute to the chief registrar, or to the assistant registrar in Ireland or Scotland, who shall, with the consent of the Treasury, either by himself or by any other registrar, hear and determine such dispute, and shall have power to order the expenses of determining the same to be paid either out of the funds of the society or by such parties to the dispute as he shall think fit, and such determination and order shall have the same effect and be enforceable in like manner as a decision made in the manner directed by the rules of the society:

(*b.*) The chief or other registrar to whom any dispute is referred may administer oaths, and may require the attendance of all parties concerned, and of witnesses, and the production of all books and documents

relating to the matter in question; and any person refusing to attend, or to produce any documents, or to give evidence before such chief or other registrar, shall be guilty of an offence under this Act:

(*c.*) Where the rules of a society direct that disputes shall be referred to justices, the dispute shall be determined by a court of summary jurisdiction:

Provided that in every case of dispute cognisable under the rules of a society by a court of summary jurisdiction, it shall be lawful for the parties thereto to enter into a consent referring such dispute to the County Court, which may hear and determine the matter in dispute:

(*d.*) Where the rules contain no direction as to disputes, or where no decision is made on a dispute within forty days after application to the society for a reference under its rules, the member or person aggrieved may apply either to the county court, or to a court of summary jurisdiction, which may hear and determine the matter in dispute:

(*e.*) The court, chief or other registrar, may, at the request of either party, state a case for the opinion in England of the Supreme Court of Judicature, in Scotland of either division of the Inner House of the Court of Session, or in Ireland of one of the superior courts of common law at Dublin, on any question of law, and may also grant to either party such discovery as to documents and otherwise, or such inspection of documents, and in Scotland may grant warrant for the recovery of documents and examination of havers, as might be granted by any court of law or equity, such discovery to be made on behalf of the society by such officer of the same as such court or registrar may determine.

Special powers of registrars to be exercised on application from members.

23. Upon the application of one fifth of the whole number of members of a registered society, or of one hundred members in the case of a society of one thousand members and not exceeding ten thousand, or of five hundred members in the case of a society of more than ten thousand members, the chief registrar, or the assistant registrar for Scotland or Ireland, or in cases of societies registered and doing business exclusively in Ireland or in Scotland the assistant registrars for Ireland and Scotland respectively, but with the consent of the Treasury in every case, may—

Inspectors.

(1.) Appoint one or more inspectors to examine into the affairs of such society, and to report thereon, who may require the production of all or any of the books and documents of the society, and may examine on oath its officers, members,

agents, and servants in relation to its business, and may administer such oath accordingly:

(2.) Call a special meeting of the society in such manner and at such time and place as the chief registrar or such assistant registrar may direct, and may direct what matters shall be discussed and determined on at such meeting, which shall have all the powers of a meeting called according to the rules of the society, and shall in all cases have power to appoint its own chairman, any rule of the society to the contrary notwithstanding.

Special meetings.

Provided that—

(*a.*) The application herein mentioned shall be supported by such evidence, for the purpose of showing that the applicants have good reason for requiring such inspection to be made or meeting to be called, and that they are not actuated by malicious motives in their application, and such notice thereof shall be given to the society, as the chief registrar shall direct:

(*b.*) The chief registrar or such assistant registrar may, if he think fit, require the applicants to give security for the costs of the proposed inspection or meeting, before appointing any inspector or calling such meeting:

(*c.*) All expenses of and incidental to any such inspection or meeting shall be defrayed either by the members applying for the same, or out of the funds of the society, as the chief or such assistant registrar shall direct:

(*d.*) This section shall not apply to a society with branches, unless with the consent of the central body of such society.

24. With respect to special resolutions by registered societies, and to the proceedings which may be taken by virtue thereof, the following provisions shall have effect:

Special resolutions, and proceedings which may be taken thereon.

(1.) A special resolution is one which is passed by a majority of not less than three fourths of such members of a society for the time being entitled under the rules to vote as may be present in person or by proxy (where the rules allow proxies) at any general meeting of which notice specifying the intention to propose such resolutions has been duly given according to the rules, and which resolution is confirmed by a majority of such members for the time being entitled under the rules to vote as may be present, in person or by proxy, at a subsequent general meeting of which notice has been duly given, held not less than fourteen days nor more than one month from the day of the meeting at which such resolution was first passed. At any meeting mentioned in this section a declaration by the chairman that the resolution has been carried shall be deemed conclusive evidence of the fact.

Special resolutions.

Change of name.

(2.) A society may, by special resolution, with the approval in writing of the chief registrar, or in the case of societies registered and doing business exclusively in Ireland or Scotland the assistant registrar for Ireland or Scotland respectively, change its name; but no such change shall affect any right or obligation of the society, or of any member thereof, and any pending legal proceedings may be continued by or against the trustees of the society, or any other officer who may sue or be sued on behalf of such society, notwithstanding its new name.

Amalgamation of societies.

(3.) Any two or more societies may, by special resolution of both or all such societies, become amalgamated together as one society, with or without any dissolution or division of the funds of such societies or either of them; and any society may, by special resolution, transfer its engagements to any other registered society which may undertake to fulfil the engagements of such society.

Conversion of societies into companies, &c.

(4.) A society may by special resolution determine to convert itself into a company under the Companies Acts, or to amalgamate with or transfer its engagements to any such company.

Rights of creditors.

(5.) No amalgamation or transfer of engagements shall prejudice any right of a creditor of either or any society party thereto.

Registration of special resolutions.

(6.) A copy of every special resolution for any of the purposes mentioned in this section, signed by the chairman of the meeting and countersigned by the secretary, shall be sent to the central office and registered there, and until such copy is so registered, such special resolution shall not take effect.

Registration of copy of special resolution as memorandum of association.

(7.) If a special resolution for converting a society into a company contains the particulars by the Companies Act, 1862, required to be contained in the memorandum of association of a company, and a copy thereof has been registered at the central office, a copy of such resolution under the seal or stamp of the central office shall have the same effect as a memorandum of association duly signed and attested under the said Act.

Registry of society under Act to become void on registration as a company, &c.

(8.) If a society be registered as, or amalgamates with, or transfers all its engagements to a company, the registry of such society under this Act thereupon becomes void, and the same shall be cancelled by the chief registrar or by the assistant registrar for Scotland or Ireland under his direction; but the registration of a society as a company shall not affect any right or claim for the time being subsisting against such society, or any penalty for the time being incurred by such society; and for the purpose of enforcing any such right, claim, or penalty, the society may be sued and proceeded against in the same manner as if it had not become registered as a company; and every such right or claim, or the liability to such penalty, has priority, as against the property of such company, over all other rights or claims against or liabilities of such company.

Provided as follows as respects friendly societies:

Proviso as to friendly societies.

(*a.*) No special resolution by any society for any amalgamation or transfer of engagements under this section is valid unless five sixths in value (to be calculated as for dissolution) of the members assent thereto either at the meetings at which such resolution is passed and confirmed, or one of them, or in writing, if such members were not present thereat, nor without the written consent of every person for the time being receiving or entitled to any relief, annuity, or other benefit from the funds of the society, unless the claim of such person be first duly satisfied, or adequate provision be made for satisfying such claim:

(*b.*) The provisions herein-after contained in case of dissolution as to the punishment of officers and the remedy of members or persons dissatisfied with the provision made for satisfying their claims, shall apply to the case of amalgamation and transfer of engagements:

(*c.*) Upon application of the trustees or committee of management of a society desiring to amalgamate or transfer its engagements, notice of such application being published in the Gazette, the chief registrar, after hearing such trustees or committee of management and any other persons whom he considers entitled to be heard upon the application, may, with the consent of the Treasury, order that any of the consents and conditions prescribed in this Act, or in any regulations made under this Act, be dispensed with, and may confirm the amalgamation or transfer:

(*d.*) This section shall not apply to branches.

Dissolution of societies.

25. With respect to the dissolution of registered societies, the following provisions shall have effect:

How societies may be dissolved.

(1.) A society may terminate or be dissolved in any of the following ways:

(*a*) Upon the happening of any event declared by the rules to be the termination of the society:

(*b.*) As respects all societies other than friendly societies, by the consent of three fourths of the members, testified by their signatures to the instrument of dissolution:

(*c.*) As respects friendly societies, by the consent of five sixths in value of the members (including honorary members, if any), testified by their signatures to the instrument of dissolution, and also by the written consent of every person for the time being receiving

or entitled to receive any relief, annuity, or other benefit from the funds of the society, unless the claim of such person be first duly satisfied, or adequate provision made for satisfying such claim, and in the case of a branch society with the consent of the central body of the society, or in accordance with the general rules of the society:

(*d.*) By the award of the chief registrar or assistant registrars in the cases herein specified.

Contents of instrument of dissolution.

(2.) The instrument of dissolution shall set forth—

(*a.*) The liabilities and assets of the society in detail:

(*b.*) The number of members and the nature of their interests in the society respectively:

(*c.*) The claims of creditors (if any), and the provision to be made for their payment:

(*d.*) The intended appropriation or division of the funds and property of the society, unless the same be stated in the instrument of dissolution to be left to the award of the chief registrar.

Alterations in instrument of dissolution.

(3.) Alterations in the instrument of dissolution may be made with the like consents as herein-before provided, testified in the same manner.

Statutory declaration.

(4.) A statutory declaration shall be made by one of the trustees, or by three members and the secretary of the society, that the provisions of this Act have been complied with, and shall be sent to the registrar with the instrument of dissolution; and any person knowingly making a false or fraudulent declaration in the matter shall be guilty of a misdemeanor.

Registry of instrument of dissolution.

(5.) The instrument of dissolution and all alterations therein shall be registered in manner herein provided for the registry of rules, and shall be binding upon all the members of the society.

Notice of dissolution.

(6.) The registrar shall cause a notice of the dissolution to be advertised at the expense of the society in the manner provided by this Act for advertising an award of the registrar for dissolution; and unless within three months from the date of the Gazette in which such advertisement appears, a member or other person interested in or having any claim on the funds of the society commences proceedings to set aside the dissolution of the society, and such dissolution is set aside accordingly, the society shall be legally dissolved from the date of such advertisement, and the requisite consents to the instrument of dissolution shall be considered to have been duly obtained without proof of the signatures thereto.

Special provisions as to friendly societies.

(7.) As respects friendly societies—

(*a.*) The value of members shall be ascertained by giving one vote to every member, and an additional vote for every five years that he has been a member, but to no one member more than five votes in the whole:

(*b.*) No instrument of dissolution shall direct or contain any provision for a division or appropriation of the funds of the society, or any part thereof, otherwise than for the purpose of carrying into effect the objects of the society as declared in the rules thereof for the time being, unless the claim of every member or person claiming any relief, annuity, or other benefit from the funds thereof be first duly satisfied, or adequate provision be made for satisfying such claim:

(*c.*) Any officer or person aiding or abetting in the dissolution of a society, otherwise than as in this Act provided, shall, on summary conviction, be liable to be committed to the common gaol or house of correction, there to be kept to hard labour for any term not exceeding three months:

(*d.*) If any member of a dissolved society, or person claiming any relief, annuity, or other benefit from the funds thereof, be dissatisfied with the provision made for satisfying his claim, such member or other person may apply to the county court of the district within which the chief or any other place of business of the society is situate for relief or other order, and such court shall have the same powers in the matter as in regard to the settlement of disputes under this Act.

Dissolution by award, &c.

(8.) With respect to dissolutions and the distribution of funds upon the award of the chief registrar:

(*a.*) Upon the application of one fifth of the whole number of members of any registered society, or of one hundred members in the case of a society of one thousand members and not exceeding ten thousand, or of five hundred members in the case of a society of more than ten thousand members, made in writing under their hands, setting forth that the funds of the society are insufficient to meet the existing claims thereon, or that the rates of contribution fixed in the rules of such society are insufficient to cover the benefits assured, and the grounds upon which such insufficiency is alleged, and requesting an investigation into the affairs of such society with a view to the dissolution thereof, the chief registrar may by himself, or by any assistant registrar, or by any actuary or public auditor whom the chief registrar may appoint in writing under his hand, investigate the affairs of the society, giving nevertheless not less than two months previous notice in writing to the society whose affairs are to be investigated at the registered office of such society:

(*b.*) If upon such investigation it appears that the funds of the society are insufficient to meet the existing claims

thereon, or that the rates of contribution fixed in the rules of the society are insufficient to cover the benefits assured to be given by the same, the chief registrar may, if he considers it expedient so to do, award that the society shall be dissolved, and its affairs wound up, and shall direct in what manner the assets of the society shall be divided or appropriated: Provided always, that the chief registrar may suspend his award for such period as he may deem necessary to enable the society to make such alterations and adjustment of contributions and benefits as will in his judgment prevent the necessity of such award of dissolution being made:

(*c.*) A registrar proceeding under this section has all the same powers and authorities, enforceable by the same penalties, as in the case of a dispute referred to him under this Act:

(*d.*) Every award under this or the last preceding section, whether for dissolution or distribution of funds, is final and conclusive on the society in respect of which the same is made, and on all members of the same, and other persons having any claim on the funds of the society, without appeal, and shall be enforced in the same manner as a decision on a dispute under this Act; and the expenses of every investigation and award, and of publishing every notice of dissolution, shall be paid out of the funds of the society before any other appropriation thereof shall be made:

(*e.*) Notice of every award for dissolution shall, within twenty-one days after the same shall have been made, be advertised by the central office in the Gazette, and in some newspaper circulating in the county in which the registered office of the society is situated, and unless, within three months from the date of the Gazette in which such advertisement appears, a member or other person interested in or having any claim on the funds of the society commences proceedings to set aside the dissolution of the society, consequent upon such award, and such dissolution is set aside accordingly, the society shall be legally dissolved from the date of such advertisement, and the requisite consents to the application to the registrar shall be considered to have been duly obtained without proof of the signatures thereto.

Consent of central body.

(9.) The provisions of the present section shall not apply to any society having branches without the consent of the central body of such society.

Militiamen and volunteers not to lose benefits.

26. No person, by reason of his enrolment or service in the militia or as a naval coast volunteer, Royal Naval volunteer,

naval artillery volunteer, or in any corps of yeomanry or volunteers whatsoever, shall lose or forfeit any interest he possesses at the time of his being so enrolled or serving in any friendly society, registered or unregistered, or be fined for absence from or non-attendance at any meeting of the society, such absence or non-attendance being occasioned by the discharge of his military or naval duty as certified by his commanding officer, any rules of such society to the contrary notwithstanding, and any dispute between any such society and such person by reason of such enrolment or service shall be decided by a court of summary jurisdiction under this Act; but if the rules of a society certified before the twenty-third day of July one thousand eight hundred and fifty-five, and in force at the time of such enrolment or service, provide that a member shall be deprived of any benefit by reason of such enrolment or service, the society may require of such member a contribution exceeding the rate of contribution otherwise payable by him to an amount not exceeding one tenth of such rate during the time such member shall be serving out of the United Kingdom, or may suspend all claim of such member to any benefits assured by the society, and all claim of the society to any contributions payable by such member, during the time only he may be serving out of the United Kingdom, but so that if he return to the United Kingdom he shall forthwith be replaced on the same footing as before he went abroad on service.

Limitations of benefits.

27. No member of a registered friendly society, nor any person claiming through a member, shall be entitled to receive more than two hundred pounds by way of gross sum, together with any bonuses or additions declared upon assurances not exceeding that amount, or (except as provided by section six of this Act) fifty pounds a year by way of annuity, from any one or more such societies; and any such society may require a member, or person claiming through a member, to make and sign a statutory declaration that the total amount to which such member or person is entitled from one or more such societies does not exceed the sums aforesaid; and any person knowingly making a false or fraudulent declaration in the matter shall be guilty of a misdemeanor.

Payments on death of children.

28. With respect to payments on the death of children under ten years of age, the following provisions shall have effect:

Limitation of payments.

(1.) No society shall insure or pay on the death of a child under five years of age any sum of money which, added to any amount payable on the death of such child by any other society, exceeds six pounds, or on the death of a child under ten years of age any sum of money which, added to any amount payable on the death of such child by any other society, exceeds ten pounds.

Who may receive payments.

(2.) No society shall pay any sum on the death of a child under ten years of age except to the parent of such child, or to the personal representative of such parent, and upon the production by such parent or his personal representative of a certificate of death issued by the registrar of deaths, or other person having the care of the register of deaths, containing the particulars after mentioned.

Particulars of certificates.

(3.) Whenever a certificate of the death of a child is applied for for the purpose of obtaining a sum of money from a society, the name of such society and the sum sought to be obtained therefrom shall be stated to the registrar of deaths, who shall write on or at the foot of such certificate the words "to be produced to the society" (naming the same) "said to be liable for payment of the sum of *l.*" (stating the same), and all certificates of the same death shall be numbered in consecutive order, and the sum charged by the registrar of deaths for each such certificate shall not exceed one shilling.

Registrars of deaths only to give certificates in certain cases.

(4.) No registrar of deaths shall give any one or more certificates of death for the payment in the whole of any sum of money exceeding six pounds on the death of a child under five years, or for the payment in the whole of a sum exceeding ten pounds on the death of a child under ten years; and no such certificate shall be granted unless the cause of death has been previously entered in the register of deaths on the certificate of a coroner or of a registered medical practitioner who attended such deceased child during its last illness, or except upon the production of a certificate of the probable cause of death under the hand of a registered medical practitioner, or of other satisfactory evidence of the same.

Inquiry to be made by societies.

(5.) Any society to which is produced a certificate of the death of a child which does not purport to be the first shall, before paying any money thereon, be bound to inquire whether any and what sums of money have been paid on the same death by any other society.

Offences under this section.

(6.) It shall be an offence under this Act—

(*a.*) If any society pays money on the death of a child under ten years of age otherwise than is provided by this Act;

(*b.*) If any parent or personal representative of a parent claiming money on the death of a child produces any certificate of such death other than is herein provided to the society or societies from which the money is claimed, or produces a false certificate, or one fraudulently obtained, or in any way attempts to defeat the provisions of this Act with respect to payments upon the death of children.

Extent of word "society."

(7.) The word "society" in the present section shall include all industrial assurance companies assuring the payment of money on the death of children under the age of ten years.

(8.) No assurance made or to be made by any industrial assurance company, of a sum of money payable on the death of a child under the age of ten years, which would be valid if effected with a registered society, shall be invalidated by reason of any provision contained in the Act of the fourteenth year of His late Majesty King George the Third, chapter forty-eight, for regulating insurances upon lives and for prohibiting all such insurances except in cases where the person insuring shall have an interest in the life of the persons insured.

Assurances on children's lives not to be void under 14 Geo. 3. c. 48.

(9.) Provided that nothing in this section contained shall apply to insurances on the lives of children of any age, where the person insuring has an interest in the life of the person insured, or to existing contracts.

Insurable interests.

29. The provisions of the present section apply only to societies having branches:

Societies with branches.

(1.) The application for registry shall be accompanied with—

How to be registered.

(*a.*) A list of every branch, and of the place wherein the same is established:

(*b.*) If any branch is to have trustees or officers authorised to sue and be sued on its behalf other than the trustees or officers authorised to sue and be sued on behalf of the society, a list of the names of all such trustees or officers, distinguishing the branches for which they are authorised to sue and be sued:

(*c.*) If the rules of all the branches (herein called branch rules) are or are intended to be identical, a statement to that effect, and copies of such rules:

(*d.*) If the branch rules are not or are not intended to be identical, a statement to that effect, and copies of all branch rules.

(2.) A society having a fund under the control of a central body to which every branch is bound to contribute may be registered as a single society.

Recording of branch rules.

Where such society has branches in more than one country, the provision herein contained as to the registry of societies doing business in more than one country shall apply to the society.

(3.) Notice of the establishment of every new branch by a registered society, and of the place where the same is established, and if such branch is to have trustees or officers authorised to sue and be sued on its behalf other than the trustees or officers authorised to sue and be sued on behalf of the society, a list of the names of such trustees or officers, and a statement whether or not the rules of such branch are identical with those of the other branches of the society, and, if not so, a copy of the rules of such branch, shall be sent under the hand of the secretary to the registrar whom it may concern.

Notices of establishment of new branches.

Until copies of branch rules registered, Act not to apply to branch.

(4.) Until a copy of the rules of a branch (in the case hereinbefore mentioned) has been registered in the country in which such branch is established, the society is not entitled to any of the privileges of this Act in respect of such branch, and until a copy of any amendment of the rules of a branch has been so registered the same does not take effect as respects such branch.

Application of previous provisions.

(5.) The provisions of this Act as to appeals, and the result thereof, as to amendments of rules, as to the acknowledgment of registry, and the evidence of registry and of rules, apply to branch rules.

Where branches must be separately registered.

(6.) Where a society has no fund under the control of a central body to which every branch is bound to contribute, every branch is deemed to be and must be registered as a separate society, whether its rules are identical with those of other branches or not.

Societies receiving contributions by collectors.

30. The provisions of the present section apply only to friendly societies and except as after mentioned industrial assurance companies receiving contributions by means of collectors at a greater distance than ten miles from the registered office of the society.

Members to receive copies of rules and policies.

(1.) The society shall deliver to every person, on his becoming a member of or insuring with a society, a copy of the rules of the society, together with a printed policy signed by two of the committee or managers of the society and by the secretary, at a price not exceeding one penny for the rules and one penny for the policy; in the case of a family enrolled in one book or card, one copy of rules and one family policy shall be sufficient.

Notice to be given before forfeiture.

(2.) No forfeiture is incurred by any member or person insured by reason of any default in paying any contribution, until after a written or printed notice has been delivered or sent by post prepaid to him, or left at his last known place of abode, by or on behalf of the society, stating the amount due by him, and apprizing him that in case of default of payment by him within a reasonable time, not being less than fourteen days, and at a place, to be specified in such notice, his interest or benefit will be forfeited, and after default has been made by him in paying his contribution in accordance with such notice.

No transfers without written consent.

(3.) No member of or person insured with any society can unless in the case of an amalgamation, transfer of engagements, or conversion into a company under section twenty-four of this Act, or as respects an industrial assurance company of an amalgamation or transfer of business under the Life Assurance Companies Act, 1870, become or be made a member of or be insured with any other society without his written consent, or, in the case of an infant, without that of his father or other guardian, and the society to which such member or person is sought to be transferred shall within

seven days from his application for admission to the same give notice thereof in writing to the society from which he is sought to be transferred.

The provisions of this sub-section shall apply to all friendly societies whether registered under this Act or unregistered and industrial assurance companies receiving contributions by means of collectors.

No collector to be member of committee of management.

(4.) No collector, whilst he is such, is capable of being a member of the committee of management, or other governing body (by whatever name) of the society, or of holding any other office in the society, except that of superintending collectors within an area to be from time to time specified.

Collectors not to vote.

(5.) No collector of a society is capable of voting at or taking part in the proceedings of any meeting of the same.

One general meeting every year.

(6.) At least one general meeting of the society shall be held in every year.

Notices of meetings.

(7.) Except where the day, hour, and place of an annual or other periodical meeting is fixed by the rules, notice of every general meeting shall be given by the society to the members by advertisement to be published at least twice in two or more of the newspapers in general circulation in every county where the society carries on business, or shall be delivered in writing or sent by post prepaid to every member. Such notice shall specify the day, hour, and place, and the objects of the meeting, and in case any amendment of a rule is intended to be proposed shall contain a copy of every such amendment; and the society shall publish the last of such advertisements, or deliver or send such notice as aforesaid, at least fourteen days before the day appointed for such meeting, and shall during such fourteen days keep affixed a copy of such notice in legible characters in some conspicuous place in or outside of every office at which the business of the society is carried on.

Balance sheets.

(8.) A copy of every balance sheet of a society shall, during the seven days next preceding the meeting at which the same is to be presented, be kept open by the society for inspection at every office at which the business of the society is carried on, and shall be delivered or sent prepaid to every member on demand.

Certification of annual returns.

(9.) The annual returns shall be certified by some person not an officer of the society (otherwise than as auditor thereof), carrying on publicly the business of an accountant, and if not so certified shall be deemed not to have been made.

Disputes.

(10.) In all disputes between a society and any member or person insured, or any person claiming through a member or person insured, or under the rules, such member or person may, notwithstanding any provisions of the rules of such society to the contrary, apply to the county court, or to the court of summary jurisdiction for the place where such member or other person resides, and such court may settle such dispute in manner herein provided.

Service by post.

(11.) In proving service of any notice by this section authorised to be sent by post, it is sufficient to prove that such notice was properly directed, and was put, as a prepaid letter, into the post office in such time as to admit of its being delivered in due course of delivery within the period (if any) prescribed for sending the same.

Offences under this section.

(12.) It shall be an offence under this Act—

(*a.*) If any collector of a society to which this section applies becomes a member of the committee, or holds any other office in the same (except as aforesaid), or if any member of the committee of management becomes a collector, or if any collector votes at or takes part in the proceedings of a general meeting:

(*b.*) If any person attempts to transfer a member or person insured from one society to another without such written consent as herein mentioned:

(*c.*) If a society to which a member or person is sought to be transferred fails to give such notice as hereinbefore required.

Provisions of present section to be contained in rules.

(13.) All the provisions of the present section apply to societies existing at the commencement of this Act, and shall be contained in the rules of all future societies to which this section applies; and any act or omission which by virtue of this and any other section of this Act would be an offence on the part of a registered society shall be an offence on the part of any other society to which this Act applies, and of any officer of such society bound to fulfil the duty (if any) whereof such offence is a breach.

The word "society" in the present section shall, except in provisions one, eight, and nine, include all industrial assurance companies, but nothing in the present section contained shall apply to any assurance with any such company, the premiums in respect of which are receivable at greater periodical intervals than two months.

As to cattle insurance and certain other societies.

31. The provisions of the present section apply only to registered cattle insurance societies, and to such specially authorised societies as the Treasury may allow to take the benefit of the present section:

Rules to have effect of covenant by members.

(1.) The rules bind the society and the members thereof, and all persons claiming through them respectively, to the same extent as if each member had subscribed his name and affixed his seal thereto, and there were in such rules contained a covenant on the part of himself, his heirs, executors, and administrators, to conform to such rules subject to the provisions of this Act.

Money payable by members to be recoverable as debt.

(2.) All moneys payable by a member to the society are deemed to be a debt due from such member to the society, and are recoverable as such in the county court of the district in which such member resides.

32. With respect to penalties under this Act, the following provisions shall have effect: Penalties.

(1.) If any person wilfully makes, orders, or allows to be made any entry, erasure in, or omission from any balance sheet of a registered society, or any contribution or collecting book, or any return or document required to be sent, produced, or delivered for the purposes of this Act, with intent to falsify the same, or to evade any of the provisions of this Act, he is liable to a penalty not exceeding fifty pounds, recoverable at the suit of the chief or any assistant registrar or of any person aggrieved. Penalty for falsification.

(2.) Every society, officer or member of a society, or other person guilty of an offence under this Act for which no penalty is expressly provided herein is liable to a penalty of not less than one pound and not more than five pounds, recoverable at the suit of the chief or any assistant registrar or of any person aggrieved. Penalties for ordinary offences.

(3.) All penalties imposed by this Act, or to be imposed by any regulations under the same, or by the rules of a registered society, are recoverable in a court of summary jurisdiction. Recovery of penalties.

33. With respect to summary procedure and appeals from orders or convictions thereon made, the following provisions shall have effect: Summary procedure and appeals.

(1.) In England and Ireland respectively all offences and penalties under this Act may be prosecuted and recovered, in the manner directed by the Summary Jurisdiction Acts, as respects a prosecution against a society or its officers in the place where the registered office of the society is, or where the offence has been committed, or as respects any prosecution against any person other than a society or its officers in the place where such person is resident at the time of the institution of such prosecution, or where the offence has been committed.

(2.) In England and Ireland summary orders under this Act may be made and enforced on complaint before a court of summary jurisdiction in the manner provided by the Summary Jurisdiction Acts.

(3.) The court of summary jurisdiction, when hearing and determining an information or complaint, shall consist as follows:—

In England—

(*a.*) In any place within the jurisdiction of a metropolitan police magistrate or other stipendiary magistrate, of such magistrate or his substitute:

(*b.*) In the city of London, of the lord mayor or any alderman of that city:

(*c.*) In any other place, of two or more justices of the peace sitting in petty sessions.

In Ireland—

(*a.*) In the police district of Dublin metropolis, of a divisional justice:

(*b.*) In any other place, of two or more justices of the peace sitting in petty sessions.

(4.) In Scotland—

(*a.*) All offences and penalties under this Act may be prosecuted and recovered by the procurator fiscal of the county in the Sheriff Court, under the provisions of the Summary Procedure Act, 1864:

(*b.*) Summary orders may be made and enforced on complaint in the Sheriff Court:

(*c.*) All penalties may be enforced in default of payment by imprisonment for a term to be specified in the order or conviction, but not exceeding three months:

(*d.*) All penalties recovered shall be paid to the sheriff clerk, and by him accounted for and paid to the Queen's and Lord Treasurer's Remembrancer on behalf of the Crown:

(*e.*) The sheriffs and their substitutes shall have all jurisdiction, power, and authority necessary for giving effect to these provisions.

Description of offences.

(5.) In any information or complaint under this Act it is sufficient to describe the offence in the words of this Act, and no exception, exemption, proviso, excuse, or qualification accompanying the description of the offence in this Act need be specified or negatived.

Appeals.

(6.) In England or Ireland any party may appeal from any order or conviction made by a court of summary jurisdiction on determining any complaint or information under this Act as follows:

(*a.*) The appeal shall be made to some court of general or quarter sessions for the county or place in which the cause of appeal has arisen, holden not less than fifteen days and not more than four months after the decision appealed from:

(*b.*) The appellant shall within seven days after the cause of appeal has arisen give notice to the other party and to the court of summary jurisdiction of his intention to appeal, and of the ground thereof:

(*c.*) The appellant shall immediately after such notice enter into a recognizance before a justice of the peace in the sum of ten pounds, with two sufficient sureties in the sum of ten pounds, conditioned personally to try such appeal, and to abide the judgment of the court thereon, and to pay costs if awarded:

(*d.*) Where the appellant is in custody, the justice may, on the appellant entering into such recognizance as aforesaid, release him from custody:

(*e.*) The court of appeal may adjourn the appeal, and upon the hearing thereof may confirm, reverse, or modify the decision of the court of summary jurisdiction, or remit the matter to such court with the opinion of the court of appeal thereon, or make such other order in the matter as the court thinks just:

(*f.*) If the matter be remitted to the court of summary jurisdiction, such court shall thereupon rehear and decide the information or complaint in accordance with the opinion of the court of appeal.

(7.) In Scotland any person may appeal from any order or conviction under this Act to the court of justiciary, or any circuit court thereof, under and in terms of the Act of the twentieth year of the reign of His Majesty King George the Second, chapter forty-three, or under any Act amending that Act, or applying or incorporating its provisions or any of them with regard to appeals; or to the Court of Justiciary at Edinburgh, under and in terms of "The Summary Prosecutions Appeals (Scotland) Act, 1875."

Regulation of proceedings in county courts.

34. Proceedings under this Act directed to be taken by and before the judges of county courts may be regulated in Scotland by any acts of sederunt of the Court of Session, and in Ireland by any orders made by the Lord Chancellor, and until otherwise provided are regulated by such rules and orders, and acts of sederunt, made under the forty-third section of the Act of the eighteenth and nineteenth years of Her present Majesty, chapter sixty-three, as may be in force at the commencement of this Act.

The registrars and high bailiffs of the county courts shall be remunerated for the duties to be performed by them under this Act in such manner as the Treasury, with the consent of the Lord Chancellor, shall from time to time order and direct.

Public auditors.

35. The Treasury may from time to time appoint public auditors and valuers for the purposes of this Act, and may determine from time to time the rates of remuneration to be paid by societies for the services of such auditors and valuers; but the employment of such auditors and valuers is not compulsory on any society.

Fees.

36. The Treasury may determine a scale of fees to be paid for matters to be transacted or for the inspection of documents under this Act; but no fees shall be payable on the registry of any friendly, benevolent, or cattle insurance society, or working men's club, or of any amendment of the rules of the same.

All fees which may be received by any registrar under or by virtue of this Act shall be paid into the receipt of Her Majesty's Exchequer.

Payment of salaries and expenses.

37. The Treasury shall, out of money to be provided by Parliament, pay to the chief and assistant registrars such salaries or other remunerations respectively, and such sums of money for defraying the expenses of office rent, salaries of assistants, clerks, and servants, remuneration for actuaries, accountants, and inspectors, computation of tables, publication of documents, diffusion of information, expenses of prosecutions, travelling expenses and other allowances of the chief or any assistant registrar, and other expenses which may be incurred for carrying out the purposes of this Act, and may also pay to any public auditors or valuers to be appointed under this Act such remuneration (if any) as the Treasury shall from time to time allow.

Regulations to be made for carrying out the Act.

38. The Treasury may from time to time make regulations respecting registry and procedure under this Act, and the seal and forms to be used for such registry, and the duties and functions of the registrar, and the inspection of documents kept by the registrar under this Act, and generally for carrying this Act into effect.

All such regulations shall be laid before both Houses of Parliament within ten days after the approval thereof if Parliament is then sitting, or if not then sitting, then within ten days from the then next assembling of Parliament.

Until otherwise provided, the forms contained in the fourth schedule to this Act shall be used.

Evidence of documents.

39. Every instrument or document, copy or extract of an instrument or document, bearing the seal or stamp of the central office, shall be received in evidence without further proof; and every document purporting to be signed by the chief or any assistant registrar, or any inspector, or public auditor or valuer under this Act, shall, in the absence of any evidence to the contrary, be received in evidence without proof of the signature.

Application of Act to Isle of Man.

40. With respect to the Isle of Man the provisions of this Act shall be varied as follows:

(1.) The terms "Supreme Court of Judicature" and "county "court" respectively mean the Court of Chancery of the said isle, in which court the proceedings under this Act may be regulated by rules and orders to be made in that behalf by the court, and, until otherwise provided, shall be regulated according to the ordinary practice of such court:

(2.) The terms "the Companies Acts" and "the Companies Act, 1862," respectively mean the law for the time being in force in the said isle for the regulating and winding up of companies:

(3.) The term "Summary Jurisdiction Acts" means the law for the time being in force in the said isle for regulating the exercise of summary jurisdiction by justices of the peace:

(4.) All offences and penalties under this Act shall be prosecuted and recovered summarily before a high bailiff or two justices of the peace at the suit or instance of a registrar or of a head constable:

(5.) All penalties recovered under this Act shall be paid to the treasurer of the said isle, and be added to the general revenue of the said isle:

(6.) Any person may appeal from any order or conviction to be made in a case of summary jurisdiction under this Act in the manner prescribed by the law in force in the said isle as to appeals in cases of summary jurisdiction.

Application of Act to Channel Islands.

41. With respect to the Channel Islands this Act shall be varied as follows:

(1.) As respects the Island of Jersey, the following provisions shall have effect:

(*a.*) The term "county court" means the court for the recovery of petty debts, in all cases in which the claim or demand shall not exceed the sum of ten pounds sterling, and in all other cases it means the inferior number of the royal court of the said island, composed of the bailiff and two jurats of the said court:

(*b.*) The term "court of summary jurisdiction" has in civil cases the same meaning as the term county court:

(*c.*) All misdemeanors under this Act shall be prosecuted, tried, and punished in the form and manner prescribed by the law and custom of the said island with respect to crimes and offences (crimes et délits):

(*d.*) All other offences and all penalties under this Act shall be prosecuted and recovered summarily before the magistrate of the court for the repression of minor offences, in all cases of his competency, at the suit or instance of the bailiff of the parish in which the offence or other unlawful act shall have been committed, and in all other cases before the bailiff and two jurats of the royal court, at the suit or instance of Her Majesty's Procurator General for the said island:

(*e.*) All penalties recovered under this Act shall be paid to the officers who by the law and practice of the said island are entitled to receive fines levied by order of the said courts respectively, and shall by such officers be accounted for and paid to Her Majesty's Receiver General in the said island on behalf of the Crown:

(*f.*) The powers conferred under this Act on two justices shall be exercised by the inferior number of the royal court of the said island:

(*g.*) Clause thirty-three of this Act, and the term "Summary Jurisdiction Acts," shall not apply to the said

island, but all proceedings under this Act in any of the courts of the said island shall be regulated according to the ordinary practice of such courts respectively, and all penalties shall in default of payment be enforced in the same manner as fines payable to the Crown in the said island:

(*h.*) The rules prescribed by the law of the said island with respect to appeals in civil and criminal cases shall be followed as to appeals from any orders, judgments, or convictions made in cases of summary jurisdiction under this Act:

(*i.*) The terms "the Companies Acts" and "the Companies Act, 1862," shall be taken to mean the law which from time to time may be in force in the said island for the formation, regulation, and winding up of companies.

2. As respects the bailiwick of the Island of Guernsey:

(*a.*) The court of primary instance within the bailiwick shall have all such powers and authorities as are by this Act conferred either on justices of the peace or on judges of county courts in England: Provided that a sentence may be appealed from if the case admits of an appeal, under the orders in council now in force within the bailiwick, but that the decision of the royal court when sitting in a body as a court of appeal shall be final:

(*b.*) When any sum of money becomes payable on the death of a member, such sum of money shall, in default of any direction or nomination such as is contemplated by this Act, be paid to the deceased member's legal representative, according to the law of Guernsey:

(*c.*) All friendly societies within the bailiwick shall be authorised to invest any part of their funds in the states bonds either of Guernsey or of Alderney:

(*d.*) The term "the Companies Act" means the law for the time being in force in the said bailiwick for the regulation and winding up of companies:

(*e.*) All offences and penalties under this Act shall be prosecuted and recovered summarily before the court of primary jurisdiction at the suit or instance of the law officers of the Crown or of a constable of a parish:

(*f.*) All penalties recovered under this Act shall be paid to the Receiver General, to be by him carried to the account of the Crown revenue.

SCHEDULES.

SCHEDULE I.

ACTS AND ENACTMENTS REPEALED.

Date of Act.	Title of Act.	Extent of Repeal.
52 Geo. 3. c. 38. -	An Act to amend the Laws relating to Local Militia in England.	Section 41.
52 Geo. 3. c. 68. -	An Act for amending the Laws relating to Local Militia in Scotland.	Section 39.
17 & 18 Vict. c. 105.	An Act to amend the Law relating to the Militia in England and Wales.	Section 44.
17 & 18 Vict. c. 106.	An Act for amending the Laws relating to the Militia and raising a Volunteer Militia Force in Scotland.	Section 69.
17 & 18 Vict. c. 107.	An Act for amending the Laws relating to the Militia and raising a Volunteer Militia Force in Ireland.	Section 27.
18 & 19 Vict. c. 63. -	An Act to consolidate and amend the Law relating to Friendly Societies.	The whole.
21 & 22 Vict. c. 101.	An Act to amend the Act of the 18th and 19th years of Her present Majesty, chapter 63, relating to Friendly Societies.	The whole.
22 & 23 Vict. c. 40. -	An Act for the establishment of a Reserve Volunteer Force of Seamen, and for the government of the same.	Section 23.
23 Vict. c. 13. -	An Act to prevent the members of Benefit Societies from forfeiting their interest therein by being enrolled in Yeomanry or Volunteer Corps.	The whole.
23 & 24 Vict. c. 58. -	An Act to amend an Act of the 18th and 19th years of Her Majesty relating to Friendly Societies.	The whole.
26 & 27 Vict. c. 65. -	An Act to consolidate and amend the Acts relating to the Volunteer Force in Great Britain.	Section 44.
29 Vict. c. 34. -	An Act to give further facilities for the establishment of Societies for the Assurance of Cattle and other Animals.	The whole.
36 & 37 Vict. c. 77. -	An Act to provide for the establishment of a Royal Naval Artillery Volunteer Force.	Section 33.

SCHEDULE II.

MATTERS TO BE PROVIDED FOR BY THE RULES OF SOCIETIES REGISTERED UNDER THIS ACT.

1. The name and place of office of the society.

2. The whole of the objects for which the society is to be established, the purposes for which the funds thereof shall be applicable, the terms of admission of members, the conditions under which any

member may become entitled to any benefit assured thereby, and the fines and forfeitures to be imposed on any member.

3. The mode of holding meetings and right of voting, and the manner of making, altering, or rescinding rules.

4. The appointment and removal of a committee of management (by whatever name), of a treasurer and other officers, and of trustees, and in the case of a society with branches, the composition of the central body, and the conditions under which a branch may secede from the society.

5. The investment of the funds, the keeping of the accounts, and the audit of the same once a year at least.

6. Annual returns to the registrar of the receipts, funds, effects and expenditure and number of members of the society.

7. The inspection of the books of the society by every person having an interest in the funds of the society.

8. The manner in which disputes between the society and any of its members, or any person claiming through a member or under the rules, shall be settled.

9. In case of dividing societies, a provision for meeting all claims upon the society existing at the time of division before any such division takes place.

And also in the case of friendly and cattle insurance societies :—

1. The keeping separate accounts of all moneys received or paid on account of every particular fund or benefit assured for which a separate table of contributions payable shall have been adopted, and the keeping separate account of the expenses of management, and of all contributions on account thereof.

2. (Except as to cattle insurance societies) returns every five years to the registrar of the sickness and mortality of the society.

3. (Except as to cattle insurance societies) a valuation once at least in every five years of the assets and liabilities of the society, including the estimated risks and contributions.

4. The voluntary dissolution of the society by consent of not less than five sixths in value of the members, and of every person for the time being entitled to any benefit from the funds of the society, unless his claim be first satisfied or adequately provided for.

5. The right of one fifth of the total number of members, or of one hundred members in the case of a society of one thousand members and not exceeding five thousand, or of five hundred members in the case of a society of more than ten thousand members, to apply to the chief registrar, or in case of societies registered and doing business exclusively in Ireland or Scotland to the assistant registrar for Ireland or Scotland, for an investigation of the affairs of the society, or for winding up the same.

SCHEDULE III.

FORM OF BOND.

(1.)—In England or Ireland.

KNOW all men by these presents, that we, *A.B.* of , one of the officers of the society, established at , in the county of , and *C.D.* of (as surety on behalf of the said *A.B.*), are jointly and severally held and firmly bound to *A.B.* of , *C.D.* of , and

E.F. of , the trustees of the said society, in the sum of to be paid to the said *A.B.*, *C.D.*, and *E.F.*, as such trustees, or their successors, trustees for the time being, or their certain attorney; for which payment well and truly to be made we jointly and severally bind ourselves, and each of us by himself, our and each of our heirs, executors, and administrators, firmly by these presents. Sealed with our seals. Dated the day of in the year of our Lord .

Whereas the above-bounden *A.B.* has been duly appointed to the office of of the society, established as aforesaid, and he, together with the above-bounden *C.D.* as his surety, have entered into the above-written bond, subject to the condition herein-after contained: Now therefore the condition of the above-written bond is such, that if the said *A.B.* do render a just and true account of all moneys received and paid by him on account of the said society, at such times as the rules thereof appoint, and do pay over all the moneys remaining in his hands, and assign and transfer or deliver all property (including books and papers) belonging to the said society in his hands or custody to such person or persons as the said society or the trustees or committee of management thereof shall appoint, according to the rules of the said society, together with the proper and legal receipts or vouchers for such payments, then the above-written bond shall be void, otherwise shall remain in full force.

Sealed and delivered in the presence of [*two witnesses.*]

(2.)—In Scotland.

I, *A.B.* of , hereby bind and oblige myself, to the extent of £ at most, as caution and surety for *C.D.*, a person employed by the society, that he, the said *C.D.*, shall on demand faithfully and truly account for all moneys received and paid to him for behoof of the said society, and also assign and transfer or deliver all property (including books and papers) belonging to the said society in his hands or custody, and that to such person or persons as the said society or the trustees thereof shall appoint, according to the rules of the said society.

Dated at this day of .

Signature of Cautioner.

E.F. of witness.
G.H. of witness.

The above bond shall not require a testing clause or subscription clause, and may be wholly written or wholly printed, or partly written and partly printed.

FORM OF RECEIPT TO BE ENDORSED ON MORTGAGE OR FURTHER CHARGE.

The trustees of the society hereby acknowledge to have received all moneys intended to be secured by the within [*or* above] written deed.

Signed [*Signatures of Trustees.*]
Trustees.

Countersigned [*Signature of Secretary*]
Secretary.

SCHEDULE IV.

ACKNOWLEDGMENT OF REGISTRY OF SOCIETY.

The Society is registered as a [*friendly society, cattle insurance society, benevolent society, working men's club, or specially authorised society*], under the Friendly Societies Act, 1875, this day of .

[*Seal or stamp of central office*, or *signature of Assistant Registrar for Scotland or Ireland.*]

ACKNOWLEDGMENT OF REGISTRY OF AMENDMENT OF RULES.

The foregoing amendment of the rules of the Society is registered under the Friendly Societies Act, 1875, this day of .

[*Seal or stamp of central office*, or *signature of Assistant Registrar for Scotland or Ireland.*]

CHAPTER 61.

An Act to further amend the Law of Entail in Scotland. [11th August 1875.]

WHEREAS it is expedient further to amend the law of entail in Scotland:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as "The Entail Amendment (Scotland) Act, 1875."

Commence-of Act.

2. This Act shall commence and come into operation on the passing thereof.

Interpretation of terms.

3. In this Act the following terms shall have the meanings hereby assigned to them, unless the same are inconsistent with the context; that is to say,

"The court" shall mean the Court of Session, and shall include either division of the inner house thereof, or the lord ordinary, as the case may be:

"The lord ordinary" shall mean the junior lord ordinary or the lord ordinary officiating on the bills in time of vacation or recess, as the case may be:

"Land" shall include all heritages:

"Heir of entail" shall include the institute:

"Entailed estate" shall include all heritages which by the law of Scotland may be made the subject of entail, and also all lands or other heritages held in trust for the

purpose of being entailed, and all money or other property real or personal invested in trust for the purpose of purchasing land to be entailed, and also all money consigned in respect of the taking of any land forming part of any entailed estate:

"Entail Act" shall mean the Act of the Parliament of Scotland passed in the year one thousand six hundred and eighty-five, intituled "Act concerning Tailzies," and any other Acts of Parliament in force relating to entailed estates in Scotland:

"Creditor" shall include the heirs and assignees of a creditor:

"Improvements" shall include all or any of the following matters, and all operations necessary for carrying into effect any of such matters; that is to say,

(1.) The draining, or the straightening, widening, deepening, or otherwise improving the drains, streams, and watercourses of an entailed estate, or the conducting of water to any house or houses or offices or mill or works, or to any town, village, or populous place situated on the estate;

(2.) The embanking, warping, or weiring of land from the waters of the sea, or of any lake, river, or stream;

(3.) The enclosing of land, and the straightening of fences, and re-division of land;

(4.) The reclamation of land;

(5.) The making of private roads through the estate, and the forming of roads or streets in any town, village, or populous place in so far as situated on the estate, and the making of tramways or railways or navigable canals for the benefit of and in so far as made within the estate;

(6.) The trenching of land, the clearing of land, or the planting of land;

(7.) The erecting or improving of, or the making additions to—

(*a.*) The mansion-house or any of the mansion-houses and offices or outbuildings of the same on an entailed estate;

(*b.*) Farmhouses and offices, or outbuildings for the same, and cottages for labourers, farm-servants, and artizans, whether employed on the estate or not;

(*c.*) Factors, ground officers, and overseers houses, with suitable offices and outbuildings;

(*d.*) Inns or hotels and offices, or outbuildings of the same on the estate;

(*e.*) Shooting lodges and offices, or outbuildings for the occupation of the tenants of any shootings which may be let on the estate, and of the servants of such tenants of shootings;

(*f.*) Engine houses, water wheels, water or horse mills, saw-mills, kilns, shafts, wells, ponds, tanks, reservoirs, dams, leads, pipes, conduits, watercourses, bridges, weirs, sluices, flood gates, or hatches, with all fixed machinery appertaining thereto, which will increase the value of the land for agricultural purposes, or otherwise be beneficial to the estate,

(*g.*) Jetties or landing places on the shores of the sea or of a lake, or on the banks of a navigable river, for facilitating the transport of agricultural stock and produce, or of manures, or other articles needed for agricultural purposes.

Nearest heirs of entail may consent when 21 years of age instead of when 25 years of age, as formerly.

4. Where under the terms of the Act of the eleventh and twelfth years of the reign of Her Majesty, chapter thirty-six, or under any Acts amending the same, it is provided that the nearest heir of entail for the time entitled to succeed to an entailed estate giving his consent in any application under the said Act or Acts, shall be of the age of twenty-five years complete, it shall be sufficient, after the passing of this Act, if such heir shall be of the age of twenty-one years complete, and the said Act and any amending Acts shall be read and construed as if for the provision therein in regard to the age of such heir the provision of this Act were inserted.

Amendment of Section 3 of 11 & 12 Vict. c. 36. Consents to disentail estates entailed before 1st August 1848, may be given in course of application, and when such consents are not given, the court may assess the value of the heirs interests and dispense with such consents, on payment or security of such value. In case of nearest heir consent

5. Whereas it is expedient that section three of the Act of the eleventh and twelfth years of the reign of Her Majesty, chapter thirty-six, should be amended: Be it enacted as follows:

(1.) In any application to the Court of Session for authority to disentail an entailed estate in Scotland, holden by virtue of any tailzie dated prior to the first day of August one thousand eight hundred and forty-eight, the consent of any of the heirs of entail mentioned in the recited section entitled to succeed to such estate may competently be given after such application has been presented to the court, and in the course of the same:

(2.) In the event of any of the foresaid heirs, except the nearest heir for the time, whether an heir apparent or not, entitled to succeed, declining or refusing to give or being legally incapable of giving his consent, the court may dispense with such consent in terms of the provisions following; (that is to say,)

(*a.*) When any of the foresaid heirs entitled to succeed, except the nearest heir for the time, declines or refuses to give, or is legally incapable of giving his consent, the court shall, on a motion to that effect by the petitioner in the application, and on a statement by him of the declinature or refusal or incapacity of such heir or heirs aforesaid, and after such intimation to the heir or heirs so declining or refusing, or to the guardians or other persons interested in the heir or heirs incapacitated as aforesaid, as the court shall think necessary, ascertain the value in money of the expectancy or interest in the entailed estate with reference to such application of such heir or heirs declining or refusing, or incapacitated to give consent as aforesaid.

must be given by himself.

(*b.*) Upon such value in money being ascertained to the satisfaction of the court, the court shall direct the sum so ascertained to be paid into bank in name of the heir or heirs the value of whose expectancy or interest has been ascertained as aforesaid, or that proper security shall be given over the estate which is the subject of application for the amount so ascertained in favour of the heir or heirs aforesaid

(*c.*) Upon such value in money being so paid or secured, to the satisfaction of the court, the court shall dispense with the consent or consents of the heir or heirs, the value of whose expectancy or interest has been ascertained as aforesaid, and shall thereupon proceed as if such consent or consents had been obtained: Provided always, that nothing herein contained shall render it competent to dispense with the consent of the nearest heir for the time entitled to succeed to any entailed estate sought to be disentailed.

(3.) So much of the recited section as provides that the heir of entail in possession, being the only heir of entail in existence for the time, shall be unmarried when he exercises the powers conferred upon him by the recited section, is hereby repealed; but nothing herein contained shall affect the provisions of section eight of the recited Act.

6. The provisions of the preceding section with reference to applications for authority to disentail shall apply also where an heir of entail in possession of an entailed estate in Scotland, holden by virtue of any tailzie dated prior to first August one thousand eight hundred and forty-eight, applies for power to sell, alienate, dispone, charge with debts or incumbrances, lease

Provisions of preceding section as regards consents to apply to applications for selling, burdening, &c.

or feu, or excamb such estate in whole or in part: Provided always, that nothing contained in this Act shall render it necessary in any application with reference to an entailed estate to obtain the consent (or the dispensing with the consent) of any heir of entail whose consent would not have been necessary before the passing of this Act.

Court empowered to authorise heir of entail to borrow money to defray the cost of improvements on the entailed estate.

7. From and after the passing of this Act, it shall be lawful for the court, on the application of the heir of entail in possession of an entailed estate in Scotland holden by virtue of any tailzie dated prior to the first day of August one thousand eight hundred and forty-eight, to grant authority to such heir of entail to borrow money to defray the cost of improvements on such estate, whether the same have already been executed by him or are in the course of execution, or are merely contemplated at the date of the application, and whether the same if executed prior to the date of the application were executed before or after the passing of this Act, and to grant security therefor to the lender in the manner herein-after provided, such heir of entail having paid the cost of such improvements as may have been executed prior to the date of the application, or being liable for the same so far as unpaid: Provided as follows:

(1.) The court shall be satisfied that any improvements executed prior to the date of the application are of a substantial nature and beneficial to the estate as at the date of the application to the extent of at least the sum authorised to be borrowed:

(2.) The court shall be satisfied with respect to any improvements in course of execution, or contemplated, that the same, if well executed, will be of a substantial nature and beneficial to the estate:

(3.) The amount to be borrowed to defray the cost of improvements executed prior to the date of the application shall be instructed by such evidence as the court shall deem reasonable:

(4.) The court may determine the amount to be borrowed to defray the cost of improvements in course of execution, or contemplated, upon an estimate of the probable amount of such cost made by a person or persons of skill:

(5.) It shall not be necessary in any application that the vouchers of the expenditure shall be produced; but it shall be in the power of the court, or of any reporter or other person appointed to inquire into the facts, and examine the improvements, to call for the production of the vouchers of the expenditure, or any of them, if the court or such reporter or other person shall think it is desirable or necessary that such vouchers or any of them should be produced:

(6.) In every case the court shall, in fixing the amount to be borrowed under their authority, add to the actual or estimated amount of the cost of the improvements, the actual or estimated amount of the cost of the application, and the proceedings therein, and of obtaining the loan, and granting security therefor:

(7.) When the application is for authority to borrow money on the security of the estate to defray the cost of improvements thereon executed prior to the date of the application, the process shall be at an end on the court granting the prayer of the application; in every other case the process shall subsist as a depending process until the whole money authorised to be borrowed shall be paid away under the authority of the court, as herein-after provided:

(8.) In every such case as that last mentioned, the court in granting their authority shall make an order for the consignation in bank of the whole amount of the loan authorised on a receipt payable to the orders of court, and such order for consignation shall be set forth in the security to be granted by the heir of entail as after mentioned, and shall be obligatory on the lender; and thereafter the court may make such orders and give such directions in the process as they may think necessary from time to time for the inspection of the works of improvement in course of execution, for ensuring that the improvements shall be well executed, and may, on motion made in the process, grant orders from time to time for payment out of the consigned money to the applicant, or in the case of his death to his personal representative or other successor entitled thereto and sisted in the process as herein-after provided, of the cost of the improvements so far as executed to their satisfaction, paid for by him or for which he is liable, and of the expenses of the loan and security and of the process.

Provided also, that nothing in this Act shall authorise any heir of entail to charge the entailed estate with money expended on any improvement which may have been executed more than twenty years before the application for authority to charge the estate in respect of such improvement shall have been made to the court.

Heir of entail with authority of the court may grant bond over the estate; form and effect of bond.

8. It shall be lawful for an heir of entail in possession of an entailed estate in Scotland holden by virtue of any tailzie dated prior to the first day of August one thousand eight hundred and forty-eight (notwithstanding any provisions to the contrary contained in the tailzie), who has obtained the authority of the court to borrow money under this Act on the security of the estate, to charge the fee and rents of

such estate other than the mansion-house, offices, and policies thereof, or the fee and rents of any portion of such estate other than as aforesaid, with a bond of annual rent, binding himself and his heirs of tailzie to make payment of an annual rent for twenty-five years from and after the date of such authority of the court, or, where the money has been consigned as aforesaid, from and after the expiration of two years from the date of consignation, such annual rent to be payable by equal moieties half-yearly, and to be at a rate not exceeding seven pounds two shillings per annum for every one hundred pounds so authorised to be borrowed, and so in proportion for any greater or less sum; or, where the improvements were executed before the date of the application to the court, in the option of such heir in possession, and in lieu of such bond of annual rent, with a bond and disposition in security over such estate, or any portion thereof, other than as aforesaid, for two thirds of the sum on which the amount of such bond of annual rent, if granted, would be calculated in terms of this Act, with interest thereof at the rate to be stated in such bond and disposition in security from the date aforesaid till repaid, with corresponding penalties, and such bond and disposition in security may be in the like form and shall have the like effect and operation, and be subject to the like conditions and provisions as to keeping down interest as are made and provided by the said Act of the eleventh and twelfth years of the reign of Her Majesty, chapter thirty-six, and any Acts amending the same, in regard to bonds and dispositions in security authorised to be granted in respect of provisions to younger children, and the granting of such bond of annual rent or bond and disposition in security shall operate as a discharge of all claims for or on account of the improvements with reference to which such bonds of annual rent or bonds and dispositions in security are hereby authorised to be granted.

Provision as to entailed estates now charged for improvements.

9. And whereas it is expedient that where an estate in Scotland holden by virtue of any tailzie dated prior to the first day of August one thousand eight hundred and forty-eight has, before the passing of this Act, been duly charged with the cost of improvements executed thereon, and shall continue charged therewith after the passing of this Act, the heir of entail in possession thereof at or after the passing of this Act should be entitled to relief in the manner but subject to the conditions herein-after provided: Be it therefore enacted as follows:

(1.) It shall be lawful for such heir of entail, with the consent of the nearest heir for the time entitled to succeed to the said estate, in case he or any of his predecessors in possession of the estate shall have granted a bond or bonds of annual rent over the

estate or any portion thereof, or otherwise imposed or created a rentcharge or rentcharges thereon in respect of improvements executed under the Act of the tenth year of the reign of His Majesty King George the Third, chapter fifty-one, or under the Act of the eleventh and twelfth years of the reign of Her present Majesty, chapter thirty-six, or any Act amending either of these Acts, or under "The Improvement of Land Act, 1864," or any Act amending the same, or any other Act authorising the loan of money for the improvement of land, and in case such bond or bonds of annual rent or rentcharge or rentcharges continues or continue to affect the estate at the time, to agree with the creditor in any such bond of annual rent or rentcharge for the substitution therefor of a bond and disposition in security over the estate or any portion thereof, other than as in the preceding section mentioned, for the portion then remaining unpaid of the sum on which the amount of such bond of annual rent, or of such rentcharge, was calculated, or otherwise to obtain from any person willing to advance the same, money on loan to pay to the creditor the portion of such sum then unpaid as aforesaid, under such bond of annual rent or rentcharge if the creditor will consent to receive the same, and, having obtained the sanction of the court to such agreement, to grant bond and disposition in security in terms thereof in favour of such creditor or other person, and such bond and disposition in security, if in favour of the creditor, shall operate as an absolute discharge by him of such bond of annual rent or rentcharge:

(2.) Bonds and dispositions in security granted in terms of this section shall set forth the rate of interest stipulated to be paid from the date of the advance until repayment, with corresponding penalties, and may be in the form, and shall have the effect and operation, and be subject to the conditions and provisions as to keeping down interest, which are mentioned in the preceding section.

Amendment of the law as to provisions for younger children of heirs of entail.

10. In all cases in which an heir of entail in possession of an estate in Scotland, holden by virtue of a tailzie dated prior to the first day of August one thousand eight hundred and forty-eight, shall have granted or shall grant provision for a lawful child in terms of the Act of the fifth year of the reign of His Majesty King George the Fourth, chapter eighty-seven, and any Acts amending the same, or in virtue of the powers in that behalf contained in the deed of entail of such estate, and such child shall either before or after the passing of this Act pre-decease the grantor of such provision leaving lawful

issue who shall survive the grantor, such issue shall on the death of the grantor take the said provision and be entitled to receive payment thereof in like manner as their parent would have done if he or she had survived the grantor, subject to any settlement or apportionment of the same by such grantor; and it shall also be lawful for any heir of entail in possession as aforesaid to grant provision to the issue of a pre-deceasing child, and to apportion the same, whether such pre-deceasing child shall have been heir apparent or a younger child to the same extent and subject to the same conditions as if the provision were made under the foresaid Acts or any of them or under the entail of the estate in favour of a younger child of the grantor; and in the respective cases aforesaid the heir of entail in possession liable to pay such provision shall be entitled to charge the estate therewith in the same manner and to the same extent and subject to the same conditions as if the provision sought to be charged had fallen to be paid to a child of the grantor and not to the issue of such child: Provided that the whole provisions granted by such heir of entail shall not exceed in any case the amount authorised to be charged on the entailed estate and rents thereof, under the said Acts or any of them, or under the entail of the said estate: Provided also, that nothing contained in this section shall operate to defeat any right which shall have vested before the passing of this Act.

Improvement expenditure may be conveyed or bequeathed.

11. Where any heir of entail in possession of an estate in Scotland, holden by virtue of a tailzie dated prior to the first day of August one thousand eight hundred and forty-eight, shall have executed improvements on such estate, of the nature contemplated by this or any other Entail Act as the case may be, and shall have died after the passing of this Act without having charged the estate with the amount which he is entitled to charge of the sums expended on such improvements, it shall be lawful for any person to whom such heir of entail may have expressly bequeathed, conveyed, or assigned such sums or any part thereof, to make application by summary petition to the court, praying the court after such enquiry as to the court shall seem proper, to find and declare that the sums specified in the petition, or any part thereof have been expended on improvements on the said estate by the deceased heir of entail; and that the petitioner is in right thereof; and to decern and ordain the heir in possession of such entailed estate to execute in favour of the petitioner or of any other person such petitioner may think fit, a bond and disposition in security over the said estate other than the mansion-house, offices, and policies thereof, or over some sufficient portion of the said estate other than as aforesaid, for the amount with which the deceased heir of entail himself might under the provisions of this Act have charged the estate, which bond and disposition in secu-

rity shall contain all clauses proper to be inserted in bonds and dispositions in security which in virtue of this Act may be granted by an heir of entail in possession for sums expended by himself on improvements on his estate; provided always, that the said sums shall only be deemed to be a debt against the entailed estate and the heirs of entail therein, and shall only bear interest from and after the date of the decree of the court pronounced in such petition

Procedure in applications under Entail Acts.

12. Subject to such rules in regard to the matters in this section mentioned as the court are hereby authorised and required to make by act of sederunt, on or before the fifteenth day of November one thousand eight hundred and seventy-five, and thereafter from time to time to vary or extend as they shall see fit, the following provisions shall have effect with reference to all applications to the court under this or any other Entail Act:

(1.) The application shall be addressed to the court, but shall be presented to the junior lord ordinary, and during any vacation or recess of the court to the lord ordinary officiating on the bills, who shall have all jurisdictions, powers, and authorities necessary for dealing with the same:

(2.) Applications, except for authority to disentail, sell, alienate, dispone, charge with debt or incumbrances, may be made and prosecuted by the tutor, curator, or other legal guardian of a pupil or minor, or person under legal incapacity:

(3.) Should the applicant die, his personal representative or his successor in the entailed estate, or his disponee, legatee, or assignee, or any of them, according to their respective rights and interests, shall, except in the case of applications in which it is necessary to obtain the consent or the dispensing with the consent of one or more heirs of entail, be entitled to be sisted in the process, at whatever stage the death may happen, and to prosecute the same:

(4.) The lord ordinary shall appoint intimation of every application to be made in the minute-book and on the walls in common form, and shall also appoint the same to be once advertised in the Edinburgh Gazette, and once in some newspaper published or circulating in a county in which the estate or some portion thereof is situated:

It shall be sufficient in the advertisements to state the leading name by which the lands are commonly known, without any detailed description thereof, and the leading purpose of the application, without any detailed statement of such purpose:

The lord ordinary may also order such service as he may think proper, the induciæ of which may be

the same as the induciæ upon summonses in terms of "The Court of Session Act, 1868," and may permit any person not called as a respondent to appear in the process for his interest:

(5.) In any application for authority to disentail an estate in whole or in part, or to sell, alienate, dispone, charge with debts or incumbrances, lease, feu, or excamb the same, or any part thereof, it shall be sufficient that in lieu of lodging an affidavit as at present, a schedule shall be produced, signed by the petitioner and deponed to by him as correct, setting forth that there are no entailer's debts or other debts, and no provisions to husbands, widows, or children affecting or that may be made to affect the fee of the estate or the heirs of entail that are not secured by having been placed on the record; or if there are any such debts or provisions that are not so secured, setting forth as regards such debts or provisions the amounts or sums thereof in figures, the dates when the same were constituted, and the names and designations or residences of the parties who at the date of the application are in right of the same:

(6.) In every application it shall be competent to decern for payment of expenses of process against any of the parties to the proceedings, or to decern for payment thereof out of the entailed estate concerned or out of the money consigned under the application:

(7.) Power is hereby conferred on the court, by act of sederunt to establish, and from time to time to alter or vary, a scale of fees payable to reporters in entail applications, such as in their opinion shall afford to the said reporters a sufficient remuneration for performing the duties of their offices.

Effect of destination to heirs whomsoever.

13. Where any tailzie under which any estate is held shall not be valid and effectual in virtue of the recited Act of the Parliament of Scotland passed in the year one thousand six hundred and eighty-five, in respect the destination contained in such tailzie is in favour of the institute or heir in possession and his heirs whomsoever, or his heirs general, such estate shall be deemed and taken to be a fee simple estate, without any declarator or other judicial procedure; and where any money or other property, real or personal, has been, or shall be, invested in trust for the purpose of purchasing lands to be entailed under the same or like destinations, or where any lands are or shall be directed to be entailed under the same or like destinations, but the direction has not been carried into effect, such trust money or other property, and such lands, though still unentailed, may be dealt with under this section in all respects as such lands might have been dealt with if entailed in terms of such trust or direction.

14. Nothing herein contained shall operate to prevent any heir of entail in possession of an entailed estate from taking proceedings under "The Improvement of Land Act, 1864," or any other Act authorising the loan of money for the improvement of land, or any Act amending the same respectively, to charge the estate with the amount of sums expended for improvements thereon or affect the validity of any proceedings or charge under these Acts.

Saving of power to improve estates under "The Improvement of Land Act, 1864."

CHAPTER 62.

An Act to alter and amend the Law relating to Appeals in Summary Prosecutions before Inferior Judges in Scotland. [11th August 1875.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited for all purposes as "The Summary Prosecutions Appeals (Scotland) Act, 1875."

Short title.

2. In this Act the following terms have the meanings herein assigned to them; that is to say,

Interpretation of terms.

"Inferior judge" means and includes any sheriff or sheriff substitute, justice or justices of the peace, or magistrate or magistrates:

"Magistrate" means a magistrate of any royal burgh, or of any burgh returning or contributing to return a member to Parliament, or of any burgh of regality or barony, and includes any commissioner of police authorised to act as a judge under any general or local Police Act:

"Cause" means and includes every proceeding which may be brought under the Summary Procedure Act, 1864, and every other summary proceeding for the prosecution of an offence or recovery of a penalty competent to be taken before an inferior judge:

"Clerk of court" means the clerk of the court of an inferior judge, and includes any depute clerk of court or other person authorised to act, and acting for the time as such clerk of court:

"The respondent" means and includes any party to a cause other than the party appealing under this Act against the determination thereof by an inferior judge.

3. On an inferior judge hearing and determining any cause, either party to the cause may, if dissatisfied with the judge's determination as erroneous in point of law, appeal there-

Inferior judge on application of party aggrieved to

State a case for opinion of superior court.

against, notwithstanding any provision contained in the Act under which such cause shall have been brought excluding appeals against or review in any manner of way of any determination, judgment, or conviction or complaint under such Act, by himself or his agent applying in writing within three days after such determination to the inferior judge to state and sign a case, setting forth the facts and the grounds of such determination, for the opinion thereon of a superior court of law as herein-after provided; and on any such application being made, the following provisions shall have effect:

1. The appellant shall not be entitled to have a case stated and delivered to him unless within the said three days he shall—

   (1.) Lodge in the hands of the clerk of court a bond with sufficient cautioner for answering and abiding by the judgment of the superior court in the appeal and paying the costs should any be awarded by that court, or otherwise, in the discretion of the inferior judge, shall consign in the hands of the clerk of court such sum as may be fixed by the inferior judge to meet the penalty awarded, if any, and the said costs of the superior court;

   (2.) Pay the clerk of court his fees for preparing the case:

   These fees shall, till the same be otherwise fixed by act of sederunt which the Court of Session is hereby empowered to pass and from time to time thereafter to vary, be those set forth in Schedule D. annexed to this Act:

2. The clerk of court shall, within five days after caution or consignation, and payment being found or made as aforesaid, prepare the case, and submit the same in draft to the parties or their agents:

3. Should the parties or their agents fail to agree as to the terms of the case, the inferior judge shall settle the same:

4. The case shall be as nearly as may be in the form set forth in Schedule A. annexed to this Act, and shall bear to be stated by the inferior judge and shall be signed by the inferior judge:

5. The appellant shall within three days after receiving the case give notice of appeal in writing, together with a copy of the case, to the respondent, and shall within the same time transmit the case by post to, or cause it to be lodged with one of the clerks of the superior court, together with a certificate under the hand of himself or of his law-agent, of intimation, as herein required, having been made to the respondent:

6. The clerk of the superior court shall on receiving the case forthwith lay the same before a judge of the

superior court, and such judge may thereupon, if the appellant is in custody, grant interim liberation upon such conditions as are usual in cases of suspension and liberation, and may also grant a sist of execution upon or without caution, or make such other interim order as the justice of the case may require:

7. The clerk of the superior court shall as soon as may be after receiving the case require the clerk of court to transmit the process to him, together with the notes of evidence, if any, taken in the cause, where the procedure therein is under an Act requiring such notes to be taken and preserved, and the clerk of court shall transmit the process accordingly:

8. Any question of law arising upon the facts stated in the case shall thereafter be heard and determined by the superior court to which the case is transmitted at any sitting for which the case shall be enrolled by the direction of the said court, upon the case, without any note of appeal or written pleadings being required:

9. The superior court shall have power to affirm, reverse, or amend the determination in respect of which the case has been stated, or to remit the matter to the inferior judge with the opinion of the court thereon; or to make such other order in relation to the matter and the costs of the appeal as they shall see fit; or to cause the case to be sent back to the inferior judge to be amended in such manner as they shall direct, and thereafter, on the case being amended and returned, to deliver judgment on the case as amended:

10. All orders made by a superior court in determining a case under this Act shall be final and conclusive:

11. No inferior judge who shall state and sign a case under this Act shall be liable in any costs in respect or by reason of an appeal against his determination.

Case may be refused.

4. It shall be lawful for an inferior judge to refuse any application made to him under this Act to state and sign a case, should he consider such application to be frivolous; provided that he shall forthwith give to the applicant a certificate of such refusal, should the same be asked for; provided also, that no such application shall on any ground be refused when made by or on behalf of Her Majesty's Advocate for Scotland or by a procurator fiscal prosecuting for the public interest, and such prosecutors shall not be required to find caution as herein-before provided.

Provisions to have effect on a case being refused.

5. When an inferior judge shall refuse to state and sign a case the appellant may within three days of such refusal apply by a written note to the superior court to which the case would, if stated and signed, have to be transmitted under this

Act, for an order on such judge and on the other party to show cause why a case should not be stated.

Such written note shall be in the form set forth in Schedule C. annexed to this Act, and shall be accompanied by the certificate of refusal of the inferior judge to state and sign a case, and by a statement of the nature of the cause and the facts therein, and of the appellant's reasons in support of his application.

Any judge of the superior court before whom such written note shall be laid by a clerk of such superior court may, if he sees fit, order intimation thereof to be made to the inferior judge and the other party, and thereafter dispose of such note in a summary way, and order the inferior judge to state and sign a case, which may be in the form set forth in Schedule B. annexed to this Act, or do otherwise as he shall think just, and his judgment shall be final; provided, that he shall not in any case award any costs against the inferior judge.

The provisions of this Act applicable to the stating and delivery to an appellant of a case on his application, (including the provisions as to caution or consignation, and payment of the fees of the clerk of court,) and to the subsequent proceedings on such case, shall apply to the stating and delivery to an appellant of a case ordered to be stated and signed under this section, and to the subsequent proceedings on such case.

Party may require note of objections to evidence to be taken.

6. In order to an appeal under this Act it shall be competent for any party to a cause to require the sheriff, or sheriff substitute where the cause depends before him, or the clerk of the court where the cause depends before any other inferior judge, to take and preserve a note of any objections to the admissibility of evidence sustained or repelled by such sheriff sheriff substitute, or other inferior judge.

Any such note made by a clerk of court shall be authenticated as correct by the inferior judge.

To what superior court cases may be sent.

7. The superior court to which a case stated and signed by an inferior judge as herein-before provided shall be sent for opinion shall be the High Court of Justiciary at Edinburgh when the jurisdiction in the cause is of a criminal nature according to the provisions contained in the twenty-eighth section of the Summary Procedure Act, 1864, and either division of the Court of Session when the jurisdiction in the cause is of a civil nature according to the said provisions.

Superior courts may make rules.

8. The superior courts may from time to time, and as often as they see occasion, make rules and orders to regulate the practice and proceedings and the fees of court to be paid in reference to cases sent to them for opinion respectively, and stated and signed under the provisions of this Act.

Until altered by such rules and orders the fees of court shall be the same as those now exigible in processes of review at present competent.

9. Any person who shall appeal under the provisions of this Act from any determination of an inferior judge from which he is by law entitled to appeal in any other manner of way to any superior or other court, shall be taken to have abandoned such title to appeal in any such other manner of way as aforesaid.

Appeal on the case to exclude all other modes of appeal competent.

10. Where a person sentenced to a term of imprisonment by an inferior judge shall bring an appeal, suspension, or other process of review of the sentence under which he is imprisoned, and thereupon have interim liberation granted to him, such person shall appear personally in the court before which such appeal, suspension, or other process as aforesaid shall be brought on the day or days fixed for the hearing and disposal of the same, failing which he shall be held to have abandoned the same, and the said court shall thereon. and shall also in all other cases in disposing of any appeal, suspension, or other process as aforesaid, have power to grant warrants to apprehend and imprison such person for any term, to run from the date of his apprehension, not longer than the period which at the date of his liberation remained unexpired of the term of imprisonment specified in the sentence brought under review.

Superior court may order person liberated to serve unexpired period of imprisonment.

11. Where it is competent to appeal against a sentence of imprisonment to the Court of Justiciary, or any circuit court thereof, under the Act passed in the twentieth year of the reign of His Majesty King George the Second, chapter forty-three, or under any Act amending that Act or applying or incorporating the provisions or any of the provisions of that Act with regard to appeals, such appeal shall, if otherwise well taken, be held to be timeously made if lodged with the clerk of the court in which the sentence appealed against was pronounced and intimated to the respondent at any time during the appellant's imprisonment under the sentence appealed against, or within ten days from the date of the appellant's liberation from imprisonment under said sentence; provided that this section shall not apply to any appeal against a sentence of imprisonment, unless the imprisonment under such sentence commenced within ten days after the same was pronounced.

Extension of time for lodging appeals under 20 Geo. 2. c. 43.

SCHEDULES.

SCHEDULE A.

In the Court of held at

On appeal to the [High Court of Justiciary, *or* the first [*or* second] division of the Court of Session].

Between *A.B.*, Appellant.

C.D., Respondent.

This is a cause [*here state concisely and without argument the nature of the cause and the facts as admitted or proved in evidence; any objections to the admission or rejection of evidence taken in the*

proof, and any other ground of appeal against the determination of the inferior judge].

The question of law for the opinion of the Court of is:—

[*Here state the question, or questions seriatim, for the opinion of the Court.*]

This case is stated by me [*or* us].

(*Signature of the Inferior Judge.*)

SCHEDULE B.

In the Court of held at

Case for the opinion of the [High Court of Justiciary, *or* the first [*or* second] division of the Court of Session].

In causa *A.B. v. C.D.*

This is a cause [*here state concisely and without argument the nature of the cause and the facts as admitted or proved in evidence, any objections to the admission or rejection of evidence taken in the proof, and any other matters necessary to be stated for the information of the superior court*].

The question of law submitted for the opinion of the Court of is:—

[*Here state the question, or questions seriatim, for the opinion of the Court.*]

This case is stated by me [*or* us].

(*Signature of the Inferior Judge.*

SCHEDULE C.

In the Court of held at

On appeal *A.B.* to the [High Court of Justiciary, *or* the first [*or* second] division of the Court of Session].

In causa *A.B. v. C.D.*

In this cause the inferior judge [*name the judge or judges*] has refused to state and sign a case for which the appellant duly applied in writing by himself [*or* law-agent] under the provisions of "The "Summary Prosecutions Appeals (Scotland) Act, 1875," as will appear from the certificate of refusal herewith produced.

This is a cause [*here state as succinctly as may be the nature of the cause and the facts as admitted and proved in evidence*].

The appellant prays for an order on the inferior judge and the said *C.D.* to show cause why a case should not be stated in terms of the said statute, which order ought to be granted for the following reasons:

[*Here state seriatim the reasons why the order should be granted.*]

[*To be signed by the Appellant or his law-agent.*]

SCHEDULE D.

	£	s.	d.
For drawing case, not exceeding five sheets of 250 words each - - - - - - -	1	0	0
For drawing case, exceeding five sheets of 250 words each	1	10	0

CHAPTER 63.

An Act to repeal the Adulteration of Food Acts, and to make better provision for the Sale of Food and Drugs in a pure state. [11th August 1875.]

WHEREAS it is desirable that the Acts now in force relating to the adulteration of food should be repealed, and that the law regarding the sale of food and drugs in a pure and genuine condition should be amended:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Repeal of statutes.

1. From the commencement of this Act the statutes of the twenty-third and twenty- fourth of Victoria, chapter eighty-four, of the thirty-first and thirty-second of Victoria, chapter one hundred and twenty-one, section twenty-four, of the thirty-third and thirty-fourth of Victoria, chapter twenty-six, section three, and of the thirty-fifth and thirty-sixth of Victoria, chapter seventy-four, shall be repealed, except in regard to any appointment made under them and not then determined, and in regard to any offence committed against them or any prosecution or other act commenced and not concluded or completed, and any payment of money then due in respect of any provision thereof.

Interpretation of words.

2. The term "food" shall include every article used for food or drink by man, other than drugs or water:

The term "drug" shall include medicine for internal or external use:

The term "county" shall include every county, riding, and division, as well as every county of a city or town not being a borough:

The term "justices" shall include any police and stipendiary magistrate invested with the powers of a justice of the peace in England, and any divisional justices in Ireland.

Description of Offences.

Prohibition of the mixing of injurious ingredients, and of selling the same.

3. No person shall mix, colour, stain, or powder, or order or permit any other person to mix, colour, stain, or powder, any article of food with any ingredient or material so as to render the article injurious to health, with intent that the same may be sold in that state, and no person shall sell any such article so mixed, coloured, stained, or powdered, under a penalty in each case not exceeding fifty pounds for the first offence; every offence, after a conviction for a first offence, shall be a misdemeanor, for which the person, on conviction, shall be imprisoned for a period not exceeding six months with hard labour.

Prohibition of the mixing of drugs with injurious ingredients, and of selling the same.

4. No person shall, except for the purpose of compounding as herein-after described, mix, colour, stain, or powder, or order or permit any other person to mix, colour, stain, or powder, any drug with any ingredient or material so as to affect injuriously the quality or potency of such drug, with intent that the same may be sold in that state, and no person shall sell any such drug so mixed, coloured, stained, or powdered, under the same penalty in each case respectively as in the preceding section for a first and subsequent offence.

Exemption in case of proof of absence of knowledge.

5. Provided that no person shall be liable to be convicted under either of the two last foregoing sections of this Act in respect of the sale of any article of food, or of any drug, if he shows to the satisfaction of the justice or court before whom he is charged that he did not know of the article of food or drug sold by him being so mixed, coloured, stained, or powdered as in either of those sections mentioned, and that he could not with reasonable diligence have obtained that knowledge.

Prohibition of the sale of articles of food and of drugs not of the proper nature, substance, and quality.

6. No person shall sell to the prejudice of the purchaser any article of food or any drug which is not of the nature, substance, and quality of the article demanded by such purchaser, under a penalty not exceeding twenty pounds; provided that an offence shall not be deemed to be committed under this section in the following cases; that is to say,

(1.) Where any matter or ingredient not injurious to health has been added to the food or drug because the same is required for the production or preparation thereof as an article of commerce, in a state fit for carriage or consumption, and not fraudulently to increase the bulk, weight, or measure of the food or drug, or conceal the inferior quality thereof;

(2.) Where the drug or food is a proprietary medicine, or is the subject of a patent in force, and is supplied in the state required by the specification of the patent;

(3.) Where the food or drug is compounded as in this Act mentioned;

(4.) Where the food or drug is unavoidably mixed with some extraneous matter in the process of collection or preparation.

Provision for the sale of compounded articles of food and compounded drugs.

7. No person shall sell any compound article of food or compounded drug which is not composed of ingredients in accordance with the demand of the purchaser, under a penalty not exceeding twenty pounds.

Protection from offences by giving of label.

8. Provided that no person shall be guilty of any such offence as aforesaid in respect of the sale of an article of food or a drug mixed with any matter or ingredient not injurious to health, and not intended fraudulently to increase its bulk, weight, or measure, or conceal its inferior quality, if at the

time of delivering such article or drug he shall supply to the person receiving the same a notice, by a label distinctly and legibly written or printed on or with the article or drug, to the effect that the same is mixed.

9. No person shall, with the intent that the same may be sold in its altered state without notice, abstract from an article of food any part of it so as to affect injuriously its quality, substance, or nature, and no person shall sell any article so altered without making disclosure of the alteration, under a penalty in each case not exceeding twenty pounds.

Prohibition of the abstraction of any part of an article of food before sale, and selling without notice.

Appointment and Duties of Analysts, and Proceedings to obtain Analysis.

10. In the city of London and the liberties thereof the Commissioners of Sewers of the city of London and the liberties thereof, and in all other parts of the metropolis the vestries and district boards acting in execution of the Act for the better local management of the metropolis, the court of quarter sessions of every county, and the town council of every borough having a separate court of quarter sessions, or having under any general or local Act of Parliament or otherwise a separate police establishment, may, as soon as convenient after the passing of this Act, where no appointment has been hitherto made, and in all cases as and when vacancies in the office occur, or when required so to do by the Local Government Board, shall, for their respective city, districts, counties, or boroughs, appoint one or more persons possessing competent knowledge, skill, and experience, as analysts of all articles of food and drugs sold within the said city, metropolitan districts, counties, or boroughs, and shall pay to such analysts such remuneration as shall be mutually agreed upon, and may remove him or them as they shall deem proper; but such appointments and removals shall at all times be subject to the approval of the Local Government Board, who may require satisfactory proof of competency to be supplied to them, and may give their approval absolutely or with modifications as to the period of the appointment and removal, or otherwise: Provided, that no person shall hereafter be appointed an analyst for any place under this section who shall be engaged directly or indirectly in any trade or business connected with the sale of food or drugs in such place.

Appointment of analysts.

In Scotland the like powers shall be conferred and the like duties shall be imposed upon the commissioners of supply at their ordinary meetings for counties, and the commissioners or boards of police, or where there are no such commissioners or boards, upon the town councils for boroughs within their several jurisdictions; provided that one of Her Majesty's Principal Secretaries of State in Scotland shall be substituted for the Local Government Board of England.

In Ireland the like powers and duties shall be conferred and imposed respectively upon the grand jury of every county and town council of every borough; provided that the Local Government Board of Ireland shall be substituted for the Local Government Board of England.

Town council of a borough may engage the analyst of another borough or of the county.

11. The town council of any borough may agree that the analyst appointed by any neighbouring borough or for the county in which the borough is situated, shall act for their borough during such time as the said council shall think proper, and shall make due provision for the payment of his remuneration, and if such analyst shall consent, he shall during such time be the analyst for such borough for the purposes of this Act.

Power to purchaser of an article of food to have it analysed.

12. Any purchaser of an article of food or of a drug in any place being a district, county, city, or borough where there is any analyst appointed under this or any Act hereby repealed shall be entitled, on payment to such analyst of a sum not exceeding ten shillings and sixpence, or if there be no such analyst then acting for such place, to the analyst of another place, of such sum as may be agreed upon between such person and the analyst, to have such article analysed by such analyst, and to receive from him a certificate of the result of his analysis.

Officer named to obtain a sample of food or drug to submit to analyst

13. Any medical officer of health, inspector of nuisances, or inspector of weights and measures, or any inspector of a market, or any police constable under the direction and at the cost of the local authority appointing such officer, inspector, or constable, or charged with the execution of this Act, may procure any sample of food or drugs, and if he suspect the same to have been sold to him contrary to any provision of this Act, shall submit the same to be analysed by the analyst of the district or place for which he acts, or if there be no such analyst then acting for such place to the analyst of another place, and such analyst shall, upon receiving payment as is provided in the last section, with all convenient speed analyse the same and give a certificate to such officer, wherein he shall specify the result of the analysis.

Provision for dealing with the sample when purchased.

14. The person purchasing any article with the intention of submitting the same to analysis shall, after the purchase shall have been completed, forthwith notify to the seller or his agent selling the article his intention to have the same analysed by the public analyst, and shall ~~offer to~~ divide the article into three parts to be then and there separated, and each part to be marked and sealed or fastened up in such manner as its nature will permit, and shall, if required to do so, proceed accordingly, and shall deliver one of the parts to the seller or his agent.

He shall afterwards retain one of the said parts for future comparison and submit the third part, if he deems it right to have the article analysed, to the analyst.

15. If the seller or his agent do not accept the offer of the purchaser to divide the article purchased in his presence, the analyst receiving the article for analysis shall divide the same into two parts, and shall seal or fasten up one of those parts and shall cause it to be delivered, either upon receipt of the sample or when he supplies his certificate to the purchaser, who shall retain the same for production in case proceedings shall afterwards be taken in the matter.

Provision when sample is not divided.

16. If the analyst do not reside within two miles of the residence of the person requiring the article to be analysed, such article may be forwarded to the analyst through the post office as a registered letter, subject to any regulations which the Postmaster General may make in reference to the carrying and delivery of such article, and the charge for the postage of such article shall be deemed one of the charges of this Act or of the prosecution, as the case may be.

Provision for sending article to the analyst through the post office.

17. If any such officer, inspector, or constable, as above described, shall apply to purchase any article of food or any drug exposed to sale, or on sale by retail on any premises or in any shop or stores, and shall tender the price for the quantity which he shall require for the purpose of analysis, not being more than shall be reasonably requisite, and the person exposing the same for sale shall refuse to sell the same to such officer, inspector, or constable, such person shall be liable to a penalty not exceeding ten pounds.

Person refusing to sell any article to any officer liable to penalty.

18. The certificate of the analysis shall be in the form set forth in the schedule hereto, or to the like effect.

Form of the certificate.

19. Every analyst appointed under any Act hereby repealed or this Act shall report quarterly to the authority appointing him the number of articles analysed by him under this Act during the foregoing quarter, and shall specify the result of each analysis and the sum paid to him in respect thereof, and such report shall be presented at the next meeting of the authority appointing such analyst, and every such authority shall annually transmit to the Local Government Board, at such time and in such form as the Board shall direct, a certified copy of such quarterly report.

Quarterly report of the analyst.

Proceedings against Offenders.

20. When the analyst having analysed any article shall have given his certificate of the result, from which it may appear that an offence against some one of the provisions of this Act has been committed, the person causing the analysis to be made may take proceedings for the recovery of the

Proceedings against offenders.

penalty herein imposed for such offence, before any justices in petty sessions assembled having jurisdiction in the place where the article or drug sold was actually delivered to the purchaser, in a summary manner

Every penalty imposed by this Act shall be recovered in England in the manner prescribed by the eleventh and twelfth of Victoria, chapter forty-three. In Ireland such penalties and proceedings shall be recoverable, and may be taken with respect to the police district of Dublin metropolis, subject and according to the provisions of any Act regulating the powers and duties of justices of the peace for such district, or of the police of such district; and with respect to other parts of Ireland, before a justice or justices of the peace sitting in petty sessions, subject and according to the provisions of "The Petty Sessions (Ireland) Act, 1851," and any Act amending the same.

Every penalty herein imposed may be reduced or mitigated according to the judgment of the justices.

Certificate of analyst primâ facie evidence for the prosecution, but analyst to be called if required Defendant and his wife may be examined.

21. At the hearing of the information in such proceeding the production of the certificate of the analyst shall be sufficient evidence of the facts therein stated, unless the defendant shall require that the analyst shall be called as a witness, and the parts of the articles retained by the person who purchased the article shall be produced, and the defendant may, if he think fit, tender himself and his wife to be examined on his behalf, and he or she shall, if he so desire, be examined accordingly.

Power to justices to have articles of food and drug analysed

22. The justices before whom any complaint may be made, or the court before whom any appeal may be heard, under this Act may, upon the request of either party, in their discretion cause any article of food or drug to be sent to the Commissioners of Inland Revenue, who shall thereupon direct the chemical officers of their department at Somerset House to make the analysis, and give a certificate to such justices of the result of the analysis; and the expense of such analysis shall be paid by the complainant or the defendant as the justices may by order direct.

Appeal to quarter sessions.

23. Any person who has been convicted of any offence punishable by any Act hereby repealed or by this Act by any justices may appeal in England to the next general or quarter sessions of the peace which shall be held for the city, county, town, or place wherein such conviction shall have been made, provided that such person enter into a recognizance within three days next after such conviction, with two sufficient sureties, conditioned to try such appeal, and to be forthcoming to abide the judgment and determination of the court at such general or quarter sessions, and to pay such costs as shall be by such court awarded, and the justices before whom such conviction shall be had are hereby empowered and required to

take such recognizance; and the court at such general or quarter sessions are hereby required to hear and determine the matter of such appeal, and may award such costs to the party appealing or appealed against as they or he shall think proper.

In Ireland any person who has been convicted of any offence punishable by this Act may appeal to the next court of quarter sessions to be held in the same division of the county where the conviction shall be made by any justice or justices in any petty sessions district, or to the recorder at his next sessions where the conviction shall be made by the divisional justices in the police district of Dublin metropolis, or to the recorder of any corporate or borough town when the conviction shall be made by any justice or justices in such corporate or borough town (unless when any such sessions shall commence within ten days from the date of any such conviction, in which case, if the appellant sees fit, the appeal may be made to the next succeeding sessions to be held for such division or town), and it shall be lawful for such court of quarter sessions or recorder (as the case may be) to decide such appeal, if made in such form and manner and with such notices as are required by the said Petty Sessions Acts respectively herein-before mentioned as to appeals against orders made by justices at petty sessions, and all the provisions of the said Petty Sessions Acts respectively as to making appeals and as to executing the orders made on appeal, or the original orders where the appeals shall not be duly prosecuted, shall also apply to any appeal made under this Act.

24. In any prosecution under this Act, where the fact of an article having been sold in a mixed state has been proved, if the defendant shall desire to rely upon any exception or provision contained in this Act, it shall be incumbent upon him to prove the same.

In any prosecution defendant to prove that he is protected by exception or provision.

25. If the defendant in any prosecution under this Act prove to the satisfaction of the justices or court that he had purchased the article in question as the same in nature, substance, and quality as that demanded of him by the prosecutor, and with a written warranty to that effect, that he had no reason to believe at the time when he sold it that the article was otherwise, and that he sold it in the same state as when he purchased it, he shall be discharged from the prosecution, but shall be liable to pay the costs incurred by the prosecutor, unless he shall have given due notice to him that he will rely on the above defence.

Defendant to be discharged if he prove that he bought the article in the same state as sold, and with a warranty.

No costs except on issues proved against him.

26. Every penalty imposed and recovered under this Act shall be paid in the case of a prosecution by any officer, inspector, or constable of the authority who shall have appointed an analyst or agreed to the acting of an analyst within their district, to such officer, inspector, or constable,

Application of penalties.

and shall be by him paid to the authority for whom he acts, and be applied towards the expenses of executing this Act, any Statute to the contrary notwithstanding; but in the case of any other prosecution the same shall be paid and applied in England according to the law regulating the application of penalties for offences punishable in a summary manner, and in Ireland in the manner directed by the Fines Act, Ireland, 1851, and the Acts amending the same.

Punishment for forging certificate or warranty;

27. Any person who shall forge, or shall utter, knowing it to be forged for the purposes of this Act, any certificate or any writing purporting to contain a warranty, shall be guilty of a misdemeanor and be punishable on conviction by imprisonment for a term of not exceeding two years with hard labour;

for wilful misapplication of warranty;

Every person who shall wilfully apply to an article of food, or a drug, in any proceedings under this Act, a certificate or warranty given in relation to any other article or drug, shall be guilty of an offence under this Act, and be liable to a penalty not exceeding twenty pounds;

for false warranty,

Every person who shall give a false warranty in writing to any purchaser in respect of an article of food or a drug sold by him as principal or agent, shall be guilty of an offence under this Act, and be liable to a penalty not exceeding twenty pounds;

for false label.

And every person who shall wilfully give a label with any article sold by him which shall falsely describe the article sold, shall be guilty of an offence under this Act, and be liable to a penalty not exceeding twenty pounds.

Proceedings by indictment and contracts not to be affected.

28. Nothing in this Act contained shall affect the power of proceeding by indictment, or take away any other remedy against any offender under this Act, or in any way interfere with contracts and bargains between individuals, and the rights and remedies belonging thereto.

Provided that in any action brought by any person for a breach of contract on the sale of any article of food or of any drug, such person may recover alone or in addition to any other damages recoverable by him the amount of any penalty in which he may have been convicted under this Act, together with the costs paid by him upon such conviction and those incurred by him in and about his defence thereto, if he prove that the article or drug the subject of such conviction was sold to him as and for an article or drug of the same nature, substance, and quality as that which was demanded of him, and that he purchased it not knowing it to be otherwise, and afterwards sold it in the same state in which he purchased it; the defendant in such action being nevertheless at liberty to prove that the conviction was wrongful, or that the amount of costs awarded or claimed was unreasonable.

Expenses of executing the Act.

29. The expenses of executing this Act shall be borne, in the city of London and the liberties thereof, by the consolidated rates raised by the Commissioners of Sewers of the city of London and the liberties thereof, and in the rest of the metropolis by any rates or funds applicable to the purposes of the Act for the better local management of the metropolis, and otherwise as regards England, in counties by the county rate, and in boroughs by the borough fund or rate; **Expenses of executing Act.**

and as regards Ireland, in counties by the grand jury cess, and in boroughs by the borough fund or rate; all such expenses payable in any county out of grand jury cess shall be paid by the treasurer of such county; and

The grand jury of any such county shall, at any assizes at which it is proved that any such expenses have been incurred or paid without previous application to presentment sessions, present to be raised off and paid by such county the moneys required to defray the same.

Special Provision as to Tea.

30. From and after the first day of January one thousand eight hundred and seventy-six all tea imported as merchandise into and landed at any port in Great Britain or Ireland shall be subject to examination by persons to be appointed by the Commissioners of Customs, subject to the approval of the Treasury, for the inspection and analysis thereof, for which purpose samples may, when deemed necessary by such inspectors, be taken and with all convenient speed be examined by the analysts to be so appointed; and if upon such analysis the same shall be found to be mixed with other substances or exhausted tea, the same shall not be delivered unless with the sanction of the said commissioners, and on such terms and conditions as they shall see fit to direct, either for home consumption or for use as ships stores or for exportation; but if on such inspection and analysis it shall appear that such tea is in the opinion of the analyst unfit for human food, the same shall be forfeited and destroyed or otherwise disposed of in such manner as the said commissioners may direct. **Tea to be examined by the Customs on importation.**

31. Tea to which the term "exhausted" is applied in this Act shall mean and include any tea which has been deprived of its proper quality, strength, or virtue by steeping, infusion, decoction, or other means. **Interpretation of Act.**

32. For the purposes of this Act every liberty of a cinque port not comprised within the jurisdiction of a borough shall be part of the county in which it is situated, and subject to the jurisdiction of the justices of such county. **Provision for the liberty of a cinque port.**

Application of the Act to Scotland.

33. In the application of this Act to Scotland the following provisions shall have effect:

1. The term "misdemeanor" shall mean "a crime or offence:"
2. The term "defendant" shall mean "defender" and include "respondent:"
3. The term "information" shall include "complaint:"
4. This Act shall be read and construed as if for the term "justices," wherever it occurs therein, the term "sheriff" were substituted:
5. The term "sheriff" shall include "sheriff substitute:"
6. The term "borough" shall mean any royal burgh and any burgh returning or contributing to return a member to Parliament:
7. The expenses of executing this Act shall be borne in Scotland, in counties, by the county general assessment, and in burghs, by the police assessment:
8. This Act shall be read and construed as if for the expression "the Local Government Board," wherever it occurs therein, the expression "one of Her Majesty's Principal Secretaries of State" were substituted:
9. All penalties provided by this Act to be recovered in a summary manner shall be recovered before the sheriff of the county in the sheriff court, or at the option of the person seeking to recover the same in the police court, in any place where a sheriff officiates as a police magistrate under the provisions of "The Summary Procedure Act, 1864," or of the Police Act in force for the time in any place in which a sheriff officiates as aforesaid, and all the jurisdiction, powers, and authorities necessary for this purpose are hereby conferred on sheriffs:

   Every such penalty may be recovered at the instance of the procurator fiscal of the jurisdiction, or of the person who caused the analysis to be made from which it appeared that an offence had been committed against some one of the provisions of this Act:

   Every penalty imposed and recovered under this Act shall be paid to the clerk of court, and by him shall be accounted for and paid to the treasurer of the county general assessment, or the police assessment of the burgh, as the sheriff shall direct:
10. Every penalty imposed by this Act may be reduced or mitigated according to the judgment of the sheriff:
11. It shall be competent to any person aggrieved by any conviction by a sheriff in any summary proceeding under this Act to appeal against the same to the next circuit court, or where there are no circuit courts to the High Court of Justiciary at Edinburgh, in the manner prescribed by such of the provisions of the Act of the

twentieth year of the reign of King George the Second, chapter forty-three, and any Acts amending the same, as relate to appeals in matters criminal. and by and under the rules, limitations, conditions, and restrictions contained in the said provisions.

34. In the application of this Act to Ireland,— **Interpretation of terms in application of Act to Ireland.**

The term "borough" shall mean any borough subject to the Act of the session of the third and fourth years of the reign of Her present Majesty, chapter one hundred and eight, intituled "An Act for the regulation of Muni-"cipal Corporations in Ireland:"

The term "county" shall include a county of a city and a county of a town not being a borough:

The term "assizes" shall, with respect to the county of Dublin, mean "presenting term:"

The term "treasurer of the county" shall include any person or persons or bank in any county performing duties analogous to those of the treasurer of the county in counties, and, with respect to the county of Dublin, it shall mean the finance committee:

The term "police constable" shall mean, with respect to the police district of Dublin metropolis, constable of the Dublin Metropolitan Police, and with respect to any other part of Ireland, constable of the Royal Irish Constabulary.

35. This Act shall commence on the first day of October one thousand eight hundred and seventy-five. **Commencement of the Act.**

36. This Act may be cited as "The Sale of Food and Drugs Act, 1875." **Title of the Act.**

SCHEDULE.

FORM OF CERTIFICATE.

To *

I, the undersigned, public analyst for the , do hereby certify that I received on the day of 18 , from † , a sample of for analysis (which then weighed ‡), and have analysed the same, and declare the result of my analysis to be as follows:—

I am of opinion that the same is a sample of genuine

or,

---

* Here insert the name of the person submitting the article for analysis.

† Here insert the name of the person delivering the sample

‡ When the article cannot be conveniently weighed, this passage may be erased, or the blank may be left unfilled.

I am of opinion that the said sample contained the parts as under, or the per-centages of foreign ingredients as under.

---

*Observations.**

As witness my hand this day of

A.B.,

at

---

* Here the analyst may insert at his discretion his opinion as to whether the mixture (if any) was for the purpose of rendering the article portable or palatable, or of preserving it, or of improving the appearance, or was unavoidable, and may state whether in excess of what is ordinary, or otherwise, and whether the ingredients or materials mixed are or are not injurious to health.

In the case of a certificate regarding milk, butter, or any article liable to decomposition, the analyst shall specially report whether any change had taken place in the constitution of the article that would interfere with the analysis.

CHAPTER 64.

An Act to repeal the Guarantee by Companies Act, 1867, and to make other provision in lieu thereof.

[11th August 1875.]

30 & 31 Vict. c. 108.

WHEREAS by the Guarantee by Companies Act, 1867, the heads of public departments were authorised to accept as security for persons required to give security for the due performance of the duties of an office or employment in the public service the guarantee of a company which complied with the conditions contained in that Act, and received a certificate from the Treasury as provided by that Act:

And whereas it is expedient that the power of the Treasury to give such certificate to a company as is provided by the said Act should cease, and that the said Act should be repealed, and other provision made as herein-after mentioned:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

30 & 31 Vict. c. 108. repealed, except as herein stated.

1. The Guarantee by Companies Act, 1867, is hereby repealed, and every certificate granted by the Treasury to a company under that Act is hereby cancelled.

Provided as follows:

(1.) Where a certificate has been given by the employer as mentioned in the said Act of the amount due in respect of any loss from the guarantor, such certificate shall continue to have the same effect as provided by the said Act; and,

(2.) All rights and remedies vested in any company under section seven of the said Act shall continue to be so vested; and,

(3.) Such remedy, and any investigation or legal proceeding in respect of any such right, loss, or remedy, may be had and carried on in like manner as if this Act had not passed.

Power to Treasury to vary security.

2. Where a person holding any office or employment in the public service is required by law to give security for the due performance of the duties of such office or employment, the Treasury may from time to time, if they think fit, by warrant made upon the representation of the head officer of the department in which such person serves, authorise that head officer, in such cases, under such circumstances, and upon such conditions as may be specified in the warrant, to vary the character of the security, notwithstanding that the same may be prescribed by any Act or otherwise.

The Treasury may from time to time, by warrant made upon the like representation, revoke or vary any previous warrant made in pursuance of this section.

A warrant made in pursuance of this section may apply to any class of persons as well as to any single person.

Every warrant of the Treasury made in pursuance of this section shall be laid before both Houses of Parliament within one month after it is made, if Parliament be then sitting, or, if not, within one month after the then next session of Parliament.

For the purposes of this section every person who is remunerated out of the Consolidated Fund, or out of moneys provided by Parliament, or out of fines or penalties, or other moneys which otherwise would be paid into the receipt of Her Majesty's Exchequer, or out of other public revenue, or who holds any public office or employment under the Crown in respect of which he is entitled to fees, shall be deemed to hold an office or employment in the public service.

The expression "Treasury" in this Act means the Commissioners of Her Majesty's Treasury.

As to security given before the passing of Act.

3. Where the guarantee of any company has, before the passing of this Act, been accepted as security for any person holding any office or employment in the public service, such guarantee shall continue to be received as security for such person, subject to any power which the head officer of the

department in which such person serves may have to require some other security.

Short title.

4. This Act may be cited as the Government Officers (Security) Act, 1875.

CHAPTER 65.

An Act for further amending the Acts relating to the raising of Money by the Metropolitan Board of Works, and for other purposes.

[11th August 1875.]

WHEREAS it is expedient that the raising of money by the Metropolitan Board of Works for the following purposes:

(*a.*) Expenditure by them for general improvements and contributions;

(*b.*) Fire brigade purposes;

(*c.*) Loans to vestries and district boards and boards of guardians and some other bodies;

be regulated, and that provision be made requiring that the borrowing powers granted to the Board by Parliament should for the future be limited both in time and in amount, and that in some other respects powers and provisions of and relating to the Board be extended or modified:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as The Metropolitan Board of Works (Loans) Act, 1875.

Construction Act.

This Act shall be read and have effect as one with The Metropolitan Board of Works (Loans) Acts, 1869 to 1871.

Power for Board to expend for general improvements and contributions.

2. The Board may from time to time, up to the thirty-first day of December one thousand eight hundred and seventy-six, expend under section one hundred and forty-four of The Metropolis Management Act, 1855, and section seventy-two of The Metropolis Management Amendment Act, 1862, such money as they think fit, as follows:

(1.) In making, widening, or improving any streets, roads, or ways, for facilitating the passage and traffic between different parts of the metropolis, or contributing and joining with any persons in any such improvements, and in taking any land, rights in land, or property for the purposes aforesaid, or otherwise for the improvement of the metropolis, or in making such applications as therein mentioned;

(2.) In contributing and joining with a vestry or district board constituted under The Metropolis Management Act, 1855, in making, extending, widening, altering, or improving any street, road, or way, or any bridge over a canal traversing any part of the parish or district of the vestry or district board, for the purpose of facilitating passage and traffic, or for any other public purpose.

The aggregate amount expended by the Board under this section shall not exceed one hundred and twenty thousand pounds.

The Board, in order to raise money for purposes of this section, may from time to time create consolidated stock.

Power for Board to expend for fire brigade purposes.

3. The Board may from time to time, up to the thirty-first day of December one thousand eight hundred and seventy-six, expend in providing station-houses, fire-engines, fire-escapes, and permanent plant for purposes of The Fire Brigade Act, 1865, such money as they think fit, not exceeding fifteen thousand pounds

The Board, in order to raise money for purposes of this section, may, from time to time, create consolidated stock.

The Board shall from time to time carry to the consolidated loans fund such sums as the Treasury approve as being, in their opinion, sufficient to redeem, within thirty years from the date of the creation of stock for purposes of this section, an amount of consolidated stock equal to that so created.

Power for Board to end to vestry or district board.

4. Where a vestry or district board constituted under The Metropolis Management Act, 1855, desire, in pursuance of authority vested in them by Act of Parliament, to borrow money for the purpose of any work, or for the purpose of paying off any loan or debt, or for any other purpose, and it appears to the Board and to the Treasury expedient that the repayment of the money to be borrowed shall be spread over a series of years, then from time to time, up to the thirty-first day of December one thousand eight hundred and seventy-six, the Board may lend to the vestry or district board, and the vestry or district board, may borrow from the Board, such money as the Board think fit and as the vestry or district board are authorised and desire to borrow.

The aggregate amount lent by the Board under this section shall not exceed one hundred thousand pounds.

The Board, in order to raise money for purposes of this section, may from time to time create consolidated stock

Money lent by the Board under this section shall, notwithstanding anything in any other Act, be repaid to them, with interest, within such time after the borrowing as the Board and the borrowers, with the approval of the Treasury, agree, not exceeding, in case of a loan for purposes of improvements

effected by the widening of streets or bridges, or for the purpose of purchase of land in fee simple, sixty years, and for any other purpose thirty years.

In case of a loan required to be for not exceeding thirty years, the Board shall from time to time carry to the consolidated loans fund such sums as the Treasury approve as being, in their opinion, sufficient to redeem, within the period for which the loan is made, not exceeding thirty years from the date of the creation of stock for purposes of this section, an amount of consolidated stock equal to that so created.

After the passing of this Act no money shall be lent by the Board to a vestry or district board under section ten of The Metropolitan Board of Works (Loans) Act, 1871.

Power for Board to lend to board of guardians.

5. Where a board of guardians of a union or parish, wholly or for the greater part in the metropolis, as defined in The Metropolis Management Act, 1855, desire, in pursuance of authority vested in them, to borrow money for the purpose of any work, or for the purpose of paying off any loan or debt, or for any other purpose, and it appears to the Board and the Treasury expedient that the repayment of the money to be borrowed shall be spread over a series of years, then from time to time, up to the thirty-first day of December one thousand eight hundred and seventy-six, the Board may lend to the board of guardians, and the board of guardians may borrow from the Board, such money as the Board think fit and as the board of guardians are authorised and desire to borrow.

The aggregate amount lent by the Board under this section shall not exceed one hundred thousand pounds.

The Board, in order to raise money for purposes of this section, may from time to time create consolidated stock.

Money lent by the Board under this section shall, notwithstanding anything in any other Act, be repaid to them, with interest, within such time after the borrowing as the Board and the borrowers, with the approval of the Treasury, agree, not exceeding thirty years.

The Board shall from time to time carry to the consolidated loan fund such sums as the Treasury approve as being, in their opinion, sufficient to redeem, within the period for which the loan is made, not exceeding thirty years from the date of the creation of stock for purposes of this section, an amount of consolidated stock equal to that so created.

Power for Board to lend to corporation, burial board, &c.

6. Where any corporation, body of commissioners, burial board, or other public body having power to levy, directly or indirectly, rates in respect of lands in the metropolis, as defined in The Metropolis Management Act, 1855, or to make charges on rates leviable in the metropolis, as so defined, or to take within the metropolis, as so defined, dues or impositions in the nature of rates, desire, in pursuance of authority vested, in

them, to borrow money for the purpose of any work, or for the purpose of paying off any loan or debt, or for any other purpose, and it appears to the Board and to the Treasury expedient that the repayment of the money to be borrowed shall be spread over a series of years, then from time to time, up to the thirty-first day of December one thousand eight hundred and seventy-six, with the approval of the Treasury, the Board may lend to the corporation, commissioners, burial board, or other public body, and they may borrow from the Board, such money as the Board think fit, and as the corporation, commissioners, burial board, or other public body are authorised and desire to borrow.

The aggregate amount lent by the Board under this section shall not exceed fifty thousand pounds.

The Board, in order to raise money for purposes of this section, may from time to time create consolidated stock.

Money lent by the Board under this section shall, notwithstanding anything in any other Act, be repaid to them, with interest, within such time after the borrowing as the Board and the borrowers, with the approval of the Treasury, agree, not exceeding, in case of a loan for purposes of improvements effected by the widening of streets or bridges, or for the purpose of purchase of land in fee simple, sixty years, and for any other purpose thirty years.

In case of a loan required to be for not exceeding thirty years, the Board shall, from time to time, carry to the consolidated loans fund such sums as the Treasury approve as being, in their opinion, sufficient to redeem, within the period for which the loan is made, not exceeding thirty years from the date of the creation of stock for purposes of this section, an amount of consolidated stock equal to that so created.

Nothing in this section shall apply to the case of the managers of the Metropolitan Asylum District or of the School Board for London.

Extension of amount of loans by Board for Metropolitan Asylum District.

7. The Board may from time to time up to the thirty-first day of December one thousand eight hundred and seventy-six, lend to the managers of the Metropolitan Asylum District, in addition to the sum of five hundred thousand pounds authorised by section thirty-seven of The Metropolitan Board of Works (Loans) Act, 1869, and to the sum of one hundred thousand pounds authorised by section seventeen of The Metropolitan Board of Works (Loans) Act, 1871, such sums as the managers are from time to time authorised by the Local Government Board to borrow in pursuance of the Acts in the first-mentioned section referred to, not exceeding in the whole one hundred thousand pounds; and the first-mentioned section shall be construed as if seven hundred thousand pounds were therein substituted for five hundred thousand pounds.

Power for Board to expend for incidental charges on consolidated stock.

8. The Board may from time to time expend for composition for stamp duty, charges payable to the Bank of England, costs of advertising, brokers commission, and other expenses incidental to the raising of money by consolidated stock, such amount as they require for that purpose, and as the Treasury approve, and in order to raise the same may from time to time create consolidated stock.

Alteration of limitation of borrowing power.

9. The limitation on the borrowing power of the Board contained in section thirty-eight of The Metropolitan Board of Works (Loans) Act, 1869, shall not extend to money raised by the Board for purposes mentioned in this Act.

Repayments to go to consolidated loans fund.

10. All sums received by the Board in respect of interest on or principal of any loan made by them under this Act shall be carried to the consolidated loans fund.

Not to affect certain loans herein named.

11. Nothing in this Act shall affect any loan made by the Board before the passing of this Act, or any loan made by the Board after the passing of this Act, in pursuance of a resolution of the Board, passed before the passing of this Act

Future Loan Bills to have tables of information accompanying.

12. Where the Board are desirous of obtaining a further Act empowering them to raise money, they shall cause the Bill for the same, as proposed to be submitted to Parliament, to be accompanied with tables giving such information as the Treasury require for the purpose of enabling a comparison to be made between the rateable value of the Metropolis and the liabilities of the Board.

Returns respecting money raised and valuation, liabilities, &c. of parishes and other districts.

13. The Board shall every year frame and deliver to the Treasury returns showing—

i. All money raised by the Board under this or any further Act for purposes mentioned in this Act;

ii. In relation to every parish, district, union, or place in respect whereof a loan is obtained from the Board under this Act or any further Act;

(1.) the annual rateable value of the property therein;

(2.) as nearly as may be, the actual indebtedness of each parish, district, union, or place in respect of loans previously contracted.

The Treasury shall cause every such return to be laid before both Houses of Parliament.

Power for Board to require returns from bodies borrowing.

14. Where application for a loan is made to the Board by any body to which the Board are authorised by this or any other Act to lend money, the Board may, as a condition precedent to the making of the loan, and to the payment from time to time of any money as part thereof, require that body to frame and deliver to the Board from time to time

returns giving, in relation to the parish, district, union, or place in respect whereof the loan is applied for, such information respecting the financial condition of the body applying as the Board think expedient.

15. The auditor of the accounts of the Board shall be paid by the Board a fee of such amount not exceeding one hundred guineas (including any expenses that he is put to in the audit) as the Treasury in each case direct. Fee of auditor of Board's accounts.

CHAPTER 66.

An Act for further promoting the Revision of the Statute Law by repealing certain Enactments which have ceased to be in force or have become unnecessary. [11th August 1875.]

WHEREAS, with a view to the revision of the Statute Law, and particularly to the preparation of the Revised Edition of the Statutes now in progress, it is expedient that certain enactments (mentioned in the schedule to this Act) which may be regarded as spent, or have ceased to be in force otherwise than by express and specific repeal by Parliament, or have, by lapse of time and change of circumstances, become unnecessary, should be expressly and specifically repealed:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The enactments described in the schedule to this Act are hereby repealed, subject to the exceptions and qualifications in the schedule mentioned: Enactments in schedule repealed.

Provided that where any enactment not comprised in the schedule has been repealed, confirmed, revived, or perpetuated by any enactment hereby repealed, such repeal, confirmation, revivor, or perpetuation shall not be affected by the repeal effected by this Act: Saving.

and the repeal by this Act of any enactment shall not affect any enactment in which such enactment has been applied, incorporated, or referred to;

nor shall such repeal of any enactment affect any right to any hereditary revenues of the Crown, or affect any charges thereupon, or prevent any such enactment from being put in force for the collection of any such revenues, or otherwise in relation thereto;

and this Act shall not affect the validity, invalidity, effect, or consequences of anything already done or suffered,—or any existing status or capacity,—or any right or title already acquired or accrued, or any remedy or proceeding in respect thereof,—or any release or discharge of or from any debt, penalty, claim, or demand,—or any indemnity,—or the proof of any past act or thing;

nor shall this Act affect any principle or rule of law or equity, or established jurisdiction, form or course of pleading, practice, or procedure, or existing usage, franchise, liberty, custom, privilege, restriction, exemption, office, appointment, payment, allowance, or emolument, notwithstanding that the same respectively may have been in any manner affirmed, recognised, or derived by, in, or from any enactment hereby repealed;

nor shall this Act revive or restore any jurisdiction, office, duty, drawback, fee, payment, franchise, liberty, custom, right, title, privilege, restriction, exemption, usage, practice, procedure, or other matter or thing not now existing or in force;

and this Act shall not extend to repeal any enactment so far as the same may be in force in any part of Her Majesty's Dominions out of the United Kingdom, except where otherwise expressed in the said schedule.

26 G. 3. c. 84. repealed.

2. The Act of the twenty-sixth year of King George the Third (chapter eighty-four), intituled "An Act to empower "the Archbishop of Canterbury, or the Archbishop of York, "for the time being, to consecrate to the Office of a Bishop, "Persons being Subjects or Citizens of Countries out of "His Majesty's Dominions," is hereby repealed, and shall be deemed repealed as from the passing of The Colonial Clergy Act, 1874, and the savings herein-before contained shall not apply to the repeal contained in this section.

9 Geo. 4. c. 58. s. 25. (repealed by Statute Law Revision Act, 1873,) revived.

3. Section twenty-five of the Act of the ninth year of King George the Fourth, chapter fifty-eight, repealed by The Statute Law Revision Act, 1873, is hereby revived as from the repeal thereof, and all proceedings taken thereunder since such repeal shall be as valid and effectual as if the said section had not been repealed.

Short title.

4. This Act may be cited as The Statute Law Revision Act, 1875.

SCHEDULE.

A description or citation of a portion of an Act is inclusive of the words, section, or other part, first or last mentioned, or otherwise referred to as forming the beginning, or as forming the end, of the portion comprised in the description or citation.

GEORGE I.

12 Geo. 1. c. 4.	*An Act the title of which begins with the words,*—An Act for continuing the Duties upon Malt,—*and ends with the words,*—Lottery Tickets and Orders, lost, burnt, or otherwise destroyed.

GEORGE IV.

1 & 2 Geo. 4. c. 77. in part.	An Act to abolish the Payment by Prisoners in Ireland of Gaol Fees, and all other Fees relating to the Commitment, Continuance, Trial, or Discharge of such Prisoners, and to prevent Abuses by Gaolers, Bailiffs, and other Officers - - in part; namely,— Section Eight.
3 Geo. 4. c. 18.	An Act to repeal the Excise Duty on Malt charged by an Act made in the Second Year of His present Majesty, to allow the said Duty on Malt in Stock, and to make Regulations for better securing the Duties on Malt.
6 Geo. 4. c. 50. in part.	An Act for consolidating and amending the Laws relative to Jurors and Juries - - - in part; namely,— Sections Two, Three, and Four. Section Five from "and shall annex" to the end of that Section. Section Six to "upon any High Constable" and from "provided also, that where any Parish or Township" to the end of that Section. Section Ten, the words "to the High Constable and" and from "and the High Constable shall receive" to the end of that Section. Section Forty-four. Section Forty-six, the words "to any High Constable, or". Sections Forty-eight and Forty-nine. The Warrant for returning Lists of Jurors, and Precept for returning Lists of Jurors, in the Schedule.
7 Geo. 4. c. 74. in part.	An Act for consolidating and amending the Laws relating to Prisons in Ireland - - - in part; namely,— Section One hundred and eighteen to One hundred and twenty-two. Section One hundred and twenty-three so far as it relates to the Marshalsea of the Four Courts. Section One hundred and thirty-nine.
9 Geo. 4. c. 14 in part.	An Act for rendering a written Memorandum necessary to the Validity of certain Promises and Engagements - - - - - in part; namely,— Section Five.
c. 83. in part.	An Act to provide for the Administration of Justice in New South Wales and Van Diemen's Land, and for the more effectual Government thereof, and for other Purposes relating thereto - - in part; namely,— Section Thirty-eight. Repealed as to all Her Majesty's Dominions.
11 Geo. 4. & 1 Will. 4. c. 49.	An Act to impose additional Duties of Excise on Spirits.

WILLIAM IV.

2 & 3 Will. 4. c. 88. in part.	An Act to amend the Representation of the People of Ireland - - - - - -	in part; namely,—
	Section Fifty-five from "and that all Elections" to the end of that Section.	
	Section Sixty-eight from "and such Deputy" to the end of that Section.	
3 & 4 Will. 4. c. 41. in part.	An Act for the better Administration of Justice in His Majesty's Privy Council - - -	in part; namely,—
	Section Twenty-nine.	
c. 74. in part.	An Act for the Abolition of Fines and Recoveries, and for the Substitution of more simple Modes of Assurance - - - - - -	in part; namely,—
	Section Eighty-nine, the words "and may remove him at pleasure".	
4 & 5 Will. 4. c. 36. in part.	An Act for establishing a new Court for the Trial of Offences committed in the Metropolis and Parts adjoining - - - - - - -	in part; namely,—
	Section Thirteen.	
c. 85. in part.	An Act to amend an Act passed in the First Year of His present Majesty, to permit the general Sale of Beer and Cider by Retail in England - -	in part; namely,—
	Section Eleven, the words "and also with reference to the Sureties of such Persons", "and to the Sureties of all such Persons in respect of such Offences", and "and to the Sureties of such Persons".	
5 & 6 Will. 4. c. 76. in part.	An Act to provide for the Regulation of Municipal Corporations in England and Wales - -	in part; namely,—
	Section Forty-seven, the words "such Day not to be later than Ten Days after such Vacancy".	
	Sections One hundred and twenty-two and One hundred and twenty-three.	
6 & 7 Will. 4. c. 106. in part.	An Act to make Provision for the better and more expeditious Administration of Justice in the Stannaries of Cornwall, and for the enlarging the Jurisdiction and improving the Practice and Proceedings in the Courts of the said Stannaries - -	in part; namely,—
	Section Eight, the words "Nisi Prius".	
7 Will. 4. & 1 Vict. c. 82. in part.	An Act to amend the Law relating to Grand Juries in Ireland, so far as to empower the Grand Jury of the County of Fermanagh to reconstruct the Baronial Subdivisions of the said County -	in part; namely,—
	Section Two from "and are hereby" to the end of that Section.	

VICTORIA.

2 & 3 Vict. c. 47. in part.	An Act for further improving the Police in and near the Metropolis - - - - - -	in part; namely,—
	Section Twenty-five.	
c. 70.	*An Act the title of which begins with the words,*—An Act to amend an Act of the Ninth Year of King George the Fourth, to provide for the Administration of Justice in New South Wales and Van Diemen's Land,—*and ends with the words,*—Session of Parliament.	
	Repealed as to all Her Majesty's Dominions.	
c. 75. in part.	An Act for the better Regulation of the Constabulary Force in Ireland - - - - -	in part; namely,—
	Section Five, the word "Paymasters".	
	Section Seven, the words "Paymaster and".	
	Sections Nine, Twelve, Thirteen, Eighteen, Twenty, and Twenty-one.	

2 & 3 Vict. c. 75. in part—*cont.*	Section Twenty-four from "and the Payment" to the end of that Section. Sections Twenty-six to Twenty-eight.
c. 78. in part.	An Act to make further Provisions relating to the Police in the District of Dublin Metropolis - in part; namely,— Sections Eleven and Seventeen.
3 & 4 Vict. c. 29.	An Act to extend the Practice of Vaccination. The whole Act, so far as relates to Ireland.
c. 62. in part.	*An Act the title of which begins with the words,*—An Act to continue,—*and ends with the words,*—New South Wales and Van Diemen's Land, and for the more effectual Government thereof, and for other Purposes relating thereto - - - - in part; namely,— Sections One and Four. Repealed as to all Her Majesty's Dominions.
c. 96. in part.	An Act for the Regulation of the Duties of Postage - in part; namely,— Section Twenty from "and all such Sums" to end of that Section.
c. 103. in part.	An Act to amend an Act of the last Session for making further Provisions relating to the Police in the District of Dublin Metropolis - - in part; namely,— Section Three.
c. 105. in part.	An Act for abolishing Arrest on Mesne Process in Civil Actions, except in certain Cases; for extending the Remedies of Creditors against the Property of Debtors; and for the further Amendment of the Law and the better Advancement of Justice in Ireland - - - - - - in part; namely,— Sections Forty-six, Forty-seven, Fifty-one, and Fifty-two.
c. 108. in part.	An Act for the Regulation of Municipal Corporations in Ireland - - - - - in part; namely,— Section One hundred and ninety-five.
4 & 5 Vict. c. 32. in part.	An Act to amend an Act to extend the Practice of Vaccination - - - - - in part; namely,— The whole Act, so far as relates to Ireland.
5 & 6 Vict. c. 61. in part.	An Act to provide for the better Government of South Australia - - - - - in part; namely,— Sections One to Three, Nine, Twelve, and Fourteen. Repealed as to all Her Majesty's Dominions.
c. 76. in part.	An Act for the Government of New South Wales and Van Diemen's Land - - - - in part; namely,— Sections Fifty-five and Fifty-six. Repealed as to all Her Majesty's Dominions.
7 & 8 Vict. c. 72.	An Act to clear up Doubts as to the Regulation and Audit of the Accounts of the Customs in New South Wales. Repealed as to all Her Majesty's Dominions.
c. 74. in part.	An Act to explain and amend the Act for the Government of New South Wales and Van Diemen's Land in part; namely,— Sections Two, Four, Nine, and Ten. Repealed as to all Her Majesty's Dominions.
c. 107. in part.	An Act to regulate and reduce the Expenses of the Offices attached to the Superior Courts of Law in Ireland payable out of the Consolidated Fund - in part; namely,— Section Twenty-eight, so far as relates to the Marshal of the Marshalsea of the Four Courts at Dublin.

8 & 9 Vict. c. 1.	An Act to apply the Sum of Eight Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and forty-five.
c. 2.	*An Act the title of which begins with the words,*—An Act to continue for Three Years the Stamp Duties,—*and ends with the words,*—until the Tenth Day of October One thousand eight hundred and forty-five.
c. 4.	An Act to continue for Three Years the Duties on Profits arising from Property, Professions, Trades, and Offices.
c. 6.	An Act to repeal the Duties and Laws of Excise on Glass.
c. 7.	An Act to repeal the Duties of Customs due upon the Exportation of certain Goods from the United Kingdom.
c. 8.	An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.
c. 9.	An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore.
c. 10. in part.	An Act to make certain Provisions for Proceedings in Bastardy - - - - - in part; namely,— Sections One, Two, and Twelve. The Schedule.
c. 11. in part.	An Act for assigning Sheriffs in Wales - - in part; namely,— Section Two.
c. 15. in part.	An Act to repeal the Duties of Excise on Sales by Auction, and to impose a new Duty on the Licence to be taken out by all Auctioneers in the United Kingdom - - - - - - in part; namely,— Section One. Section Four from "that Auctioneers" to "last-mentioned Licence; but". Section Five from "or under Authority of an Act passed in the Sixth and Seventh" to "Bill in Ireland;". Section Six so far as it relates to the repeal of part of 6 Geo. 4. c. 81. Section Nine.
c. 16. in part.	An Act for consolidating in One Act certain Provisions usually inserted in Acts with respect to the Constitution of Companies incorporated for carrying on Undertakings of a public Nature - - in part; namely,— Section One hundred and fifty-two from "or if the Place" to end of that Section. Section One hundred and sixty-four from "in case" to "Law,". Section One hundred and sixty-five.
c. 17. in part.	An Act for consolidating in One Act certain Provisions usually inserted in Acts with respect to the Constitution of Companies incorporated for carrying on Undertakings of a public Nature in Scotland in part; namely,— Section One hundred and sixty-seven.
c. 18. in part.	An Act for consolidating in One Act certain Provisions usually inserted in Acts authorising the taking of Lands for Undertakings of a public Nature - in part; namely,— Section One hundred and thirty-nine from "or if the Place" to end of that Section. Section One hundred and fifty-three.
c. 19. in part.	An Act for consolidating in One Act certain Provisions usually inserted in Acts authorising the taking of Lands for Undertakings of a public Nature in Scotland - - - - - - in part; namely,— Section One hundred and forty-four.

& 9 Vict.—*cont.*	
c. 20. in part.	An Act for consolidating in One Act certain Provisions usually inserted in Acts authorising the making of Railways - - - - in part; namely,— Section One hundred and fifty from "or if the Place" to end of that Section. Sections One hundred and sixty-one and One hundred and sixty-five.
c. 23.	An Act for raising the Sum of Nine millions three hundred and seventy-nine thousand six hundred Pounds by Exchequer Bills for the Service of the Year One thousand eight hundred and forty-five.
c. 26. in part.	An Act to prevent fishing for Trout or other Fresh-water Fish by Nets in the Rivers and Waters in Scotland - - - - - - - in part; namely,— Section Twelve.
c. 28. in part.	An Act to empower Canal Companies and the Commissioners of Navigable Rivers to vary their Tolls, Rates, and Charges on different Parts of their Navigations - - - - - in part; namely,— Section Seven.
c. 30. in part.	An Act to amend an Act passed in the Third and Fourth Years of the Reign of His late Majesty King William the Fourth, intituled An Act for the better Administration of Justice in His Majesty's Privy Council - - - - in part; namely,— Section One. Section Two from "after the said" to "forty-six". Repealed as to all Her Majesty's Dominions.
c. 32. in part.	An Act to alter and amend the Laws enabling Justices of the Peace in certain Cases to borrow Money on Mortgage of the County Rates, so far as the same relate to the County of Middlesex - - in part; namely,— Section One. Section Two from "when any" to "Fourth Year of the Reign of His said Majesty King George the Fourth, and also", and from "and also when it" to "to the said County,". Sections Four and Six.
c. 33. in part.	An Act for consolidating in One Act certain Provisions usually inserted in Acts authorising the making of Railways in Scotland - - - in part; namely,— Section One hundred and fifty-five.
c. 34. in part.	An Act for abolishing the separate Seal Office of the Courts of Queen's Bench and Common Pleas - - - - - :— Repealed from the commencement of the "Supreme Court of Judicature Act, 1873", except so far as relates to any annuity for the time being payable under this Act.
c. 35. in part.	An Act to simplify the Form and diminish the Expence of obtaining Infeftment in Heritable Property in Scotland - - - - - in part; namely,— Section Eleven.
c. 37. in part.	An Act to regulate the Issue of Bank Notes in Ireland, and to regulate the Repayment of certain Sums advanced by the Governor and Company of the Bank of Ireland for the Public Service - - in part; namely,— Section One to "and forty-five" (where those words last occur). Section Five. Section Twenty-nine from "Provided always, that it shall" to end of that Section. Sections Thirty-one and Thirty-three.

8 & 9 Vict.—*cont.*		
c. 38. in part.	An Act to regulate the Issue of Bank Notes in Scotland - - - - - - - Section Twenty-three.	in part; namely,—
c. 39. in part.	An Act to amend the Law of Arrestment of Wages in Scotland - - - - - - - Section Two.	in part; namely,—
c. 40.	An Act for amending an Act for making Provision for Parish Schoolmasters in Scotland.	
c. 41. in part.	An Act for amending the Laws concerning Highways, Bridges, and Ferries in Scotland, and the making and maintaining thereof by Statute Service, and by the Conversion of Statute Service into Money - Sections Fifteen and Sixteen. Section Forty-five to " had not been passed; and ".	in part; namely,—
c. 42. in part.	An Act to enable Canal Companies to become Carriers of Goods upon their Canals - - - Section Fourteen.	in part; namely,—
c. 46. in part.	An Act for the Appointment of additional Constables for keeping the Peace near Public Works in Ireland Section Four.	in part; namely,—
c. 49.	An Act to settle an Annuity on Sir Henry Pottinger, Baronet, in consideration of his eminent Services.	
c. 50. in part.	An Act to facilitate the Recovery of Loans made by the West India Relief Commissioners - - Section Six.	in part; namely,—
c. 53.	An Act to continue to the First Day of October One thousand eight hundred and forty-six, and to the End of the then next Session of Parliament, certain Turnpike Acts.	
c. 56. in part.	An Act to alter and amend an Act passed in the Third and Fourth Year of the Reign of Her present Majesty Queen Victoria, intituled An Act to enable the Owners of Settled Estates to defray the Expences of draining the same by way of Mortgage - - Sections One and Two. Section Twelve, the words " and of the Proceedings before the Master ". Section Fourteen from " Provided " to end of that Section. Section Fifteen.	in part; namely,—
c. 57.	An Act to extend the Indemnity of Members of Art Unions against certain Penalties.	
c. 58.	An Act to suspend until the First Day of October One thousand eight hundred and forty-six the making of Lists and the Ballots and Enrolments for the Militia of the United Kingdom.	
c. 59.	An Act to continue to the First Day of October One thousand eight hundred and forty-six, and to the End of the then next Session of Parliament, an Act for authorizing the Application of Highway Rates to Turnpike Roads.	
c. 60.	An Act to continue to the First Day of October One thousand eight hundred and forty-six, and to the End of the then next Session of Parliament, the Act to amend the Laws relating to Loan Societies.	
c. 61. in part.	An Act to make certain further Provisions for the Consolidation of Turnpike Trusts in South Wales Sections Four to Eight, Ten, Thirteen, and Fifteen.	in part; namely,—
c. 63. in part.	An Act to facilitate the Completion of a Geological Survey of Great Britain and Ireland, under the Direction of the First Commissioner for the Time being of Her Majesty's Woods and Works - Section Seven.	in part; namely,—

8 & 9 Vict.—*cont.*

c. 64. in part. An Act to amend certain Regulations respecting the Retail of Spirits in Ireland - - - } in part; namely,—
Section One to "shall be repealed; and that", and from "and by another Act of the Second" to end of that Section.
Sections Four and Five.

c. 65. *An Act the title of which begins with the words,*—An Act to determine the countervailing Duties payable on Spirits,—*and ends with the words,*—compound Spirits from the said Islands.

c. 66. in part. An Act to enable Her Majesty to endow new Colleges for the Advancement Learning in Ireland - } in part; namely,—
Sections One and Twenty-one.

c. 68. in part. An Act to stay Execution of Judgment for Misdemeanors upon giving Bail in Error - - } in part; namely,—
Section One from "whether" to "this Act", and from "to prosecute" to "adjudged;".
Sections Three, Five, and Seven.

c. 69. in part. An Act to amend an Act of the Sixth Year of Her present Majesty, for promoting the Drainage of Lands, and Improvement of Navigation and Water Power in connexion with such Drainage, in Ireland - } in part; namely,—
Sections Six and Twenty-two.

c. 70. in part. An Act for the further Amendment of the Church Building Acts - - - - - } in part; namely,—
Section Three.
Section Nine from "and shall state" to "to belong;" and from "and the Right" to "for his Licence;".
Section Sixteen from "enrolled" to "or".
Section Twenty-two from "and the Powers" to end of that Section.

c. 71. in part. An Act to extend certain Provisions in the Act for consolidating and amending the Laws relating to Highways in England - - - - } in part; namely,—
Section Three.

c. 73. An Act to enable the Commissioners of Her Majesty's Woods and Works to apply certain Monies now in their Hands towards discharging the Incumbrances affecting the Shrewsbury and Holyhead Road.

c. 74. in part. An Act to amend an Act of the Seventh Year of King William the Fourth, for preventing the advertising of Foreign and other illegal Lotteries; and to discontinue certain Actions commenced under the Provisions of the said Act - - - } in part; namely,—
Sections One, Two, and Five.

c. 76. in part. *An Act the title of which begins with the words,*—An Act to increase the Stamp Duty on Licences to Appraisers,—*and ends with the words,*—regulating the Issue of Bank Notes in England - - } in part; namely,—
Section One from "from" to "thereof".
Section Six.

c. 77. in part. An Act to make further Regulations respecting the Tickets of Work to be delivered to Persons employed in the Manufacture of Hosiery, in certain Cases - } in part; namely,—
Section One from "from" to "forty-six,".
Section Ten.

c. 78. An Act to provide for the Payment of Compensation Allowances to certain Persons connected with the Courts of Law in England, for Loss of Fees and Emoluments.

8 & 9 Vict.—*cont.*

c. 79. *An Act the title of which begins with the words,*—An Act to continue until the First Day of October,—*and ends with the words,*—Liability to be rated as such, in respect of Stock in Trade or other Property, to the Relief of the Poor.

c. 80. in part. An Act for regulating the Criminal Jurisdiction of Assistant Barristers as to certain Counties of Cities and Counties of Towns in Ireland - } in part; namely,—
Sections Two and Three.

c. 81. in part. An Act to amend an Act of the last Session, for consolidating and amending the Laws for the Regulation of Grand Jury Presentments in the County of Dublin - - - - - } in part; namely,—
Sections One, Six, Seven, Ten, and Thirteen.

c. 82. *An Act the title of which begins with the words,*—An Act to defray until the First Day of August One thousand eight hundred and forty-six the Charge of the Pay,—*and ends with the words,*—Militia; and to authorize the Employment of the Non-commissioned Officers.

c. 83. in part. An Act for the Amendment and better Administration of the Laws relating to the Relief of the Poor in Scotland - - - - - } in part; namely,—
Section Fifty-nine from "and the Inspectors" to end of that Section.
Section Eighty-three.
Section Ninety-one to "also, that".
Section Ninety-two.

c. 84. An Act to repeal the several Laws relating to the Customs.

c. 87. An Act for the Prevention of Smuggling.

c. 90. An Act for granting Duties of Customs.
Repealed as to all Her Majesty's Dominions.

c. 95. An Act to exempt Van Diemen's Land from the Provisions of an Act, intituled An Act for regulating the Sale of Waste Land belonging to the Crown in the Australian Colonies.
Repealed as to all Her Majesty's Dominions.

c. 99. in part. *An Act the title of which begins with the words,*—An Act to amend an Act,—*and ends with the words,*—His Majesty's Woods, Forests, Parks, and Chases; and for other Purposes relating to the said Land Revenue - - - - - - } in part; namely,—
Section Three.
Section Ten from "and every" to end of that Section.

c. 100. in part. An Act for the Regulation of the Care and Treatment of Lunatics - - - - - } in part; namely,—
Sections One and Two.
Section Three from "out of the Monies" to "mentioned," and from "by Four equal" to end of that Section.
Section Nine, the words "the said Robert Wilfred Skeffington Lutwidge, and", "the said Robert Wilfred Skeffington Lutwidge, or", "the said Robert Wilfred Skeffington Lutwidge, or other", from "out of the Monies" to "mentioned,", and from "by Four equal" to end of that Section.
Section Eleven from "or of any" to "them," and from "and such Salaries" to end of that Section.
Section Thirteen.
Section Twenty-four from "Provided always, that all" to end of that Section.
Section Thirty-three.
Section Thirty-four, the words "and paid" (where they first occur).
Section Forty-one from "either" to "Act,".

8 & 9 Vict. c. 100. in part—*cont.*	Section Forty-two from "either before" to "Act,". Section Fifty-two from "according" to "Act,". Section Fifty-nine from "according" to "Act;". Section Eighty-two from "Provided" to end of that Section. Section Ninety from "or under" to "repealed,". Section Ninety-nine from "or by" to "herein-before repealed", and the words "or has received" and "or any of the said repealed Acts,". Section One hundred and five from "or of any" to "repealed,". Sections One hundred and seven and One hundred and eighteen. Schedules (B.), (C.), (D.), (F.), and (H.).
c. 102.	An Act to continue until the First Day of January One thousand eight hundred and fifty-one an Act for exempting certain Bills of Exchange and Promissory Notes from the Operation of the Laws relating to Usury.
c. 103.	*An Act the title of which begins with the words,*—An Act to continue until the Thirty-first Day of August,—*and ends with the words,*—Substitution of an equivalent Quantity of Flour or Biscuit in the Warehouse.
c. 105.	*An Act the title of which begins with the words,*—An Act for amending certain Acts of the Fourth and Fifth Years,—*and ends with the words,*—Duties of the Subpœna Office after the Death, Resignation, or Removal of the present Patentee of that Office.
c. 106. in part.	An Act to amend the Law of Real Property - in part; namely,— Section One.
c. 107. in part.	*An Act the title of which begins with the words,*—An Act for the Establishment of a Central Asylum for Insane Persons charged with Offences in Ireland,—*and ends with the words,*—District Lunatic Asylum - - - - - - in part; namely,— Sections Eighteen and Twenty-eight.
c. 108. in part.	An Act for the further Amendment of an Act of the Sixth Year of Her present Majesty, for regulating the Irish Fisheries - - - - in part; namely,— Section Twenty-seven.
c. 109. in part.	An Act to amend the Law concerning Games and Wagers - - - - - - in part; namely,— Section One. Section Ten from "required" to "for such Billiard Licence, and". Section Fourteen from "and in the Case" to end of that Section. Sections Fifteen, Sixteen, and Twenty-six.
c. 110. in part.	An Act for the better collecting Borough and Watch Rates in certain Places - - - - in part; namely,— Section One. Section Two from "such" to "any". Section Three from "by any such" to "aforesaid, or". Section Four to "Place, and", the words "District Rate, or" and "general Borough Rate or", and from "and that" to "Denomination to be made and laid on such Place by the Council of such Borough;". Section Five, the words "any District Rate, or" and "District Rate, or" (wherever they occur). Section Seven from "for the Person" to "them, and", the word "Parishes," (where it next occurs), and the words "District Rate, or" (wherever they occur). Sections Eight and Nine.
c. 113. in part.	An Act to facilitate the Admission in Evidence of certain official and other Documents - - in part; namely,— Sections Six and Seven.

8 & 9 Vict.—*cont.*

c. 115. in part. An Act for the Appointment of a Taxing Master for the High Court of Chancery in Ireland - } in part; namely,—
Sections Twelve and Sixteen.

c. 117. in part. An Act to amend the Laws relating to the Removal of poor Persons born in Scotland, Ireland, the Islands of Man, Scilly, Jersey, or Guernsey, and chargeable in England - - - - } in part; namely,—
Sections One and Nine.
Schedules (A.) and (B.)
Schedule (C.) so far as it relates to Ireland.

c. 118. in part. *An Act the title of which begins with the words,*—An Act to facilitate the Inclosure and Improvement of Commons and Lands held in common,—*and ends with the words,*—Revival of such Powers in certain Cases - - - - - } in part; namely,—
Section One.
Section Two to "Execution of this Act; and".
Section Three from "the several" to "and also", from "which may not" to "Direction of Parliament,", from "as well" to "Cases aforesaid", the words "authorised. and" (where they first occur), and from "in Inclosures" to "authorised, and".
Sections Four and Five.
Section Six to "Appointments under this Act; and".
Section Seven.
Section Twenty-five, the words "to sanction such Inclosure, or" and "as the Case may require;".
Section Twenty-seven from "to authorize" to "or (as the Case may be)", from "if the Land" to "without the previous Direction of Parliament,", and from "and in case the Land" to "contained:".
Section Twenty-eight from "proceed" to "Tract, or".
Section Thirty-three from "or (in the" to "with an Inclosure under this Act,".
Section Thirty-four, the words "(if any)" (where they last occur).
Section Thirty-five from "who shall" to "least;".
Section Forty-seven from "stating" to "delivered;".
Section One hundred and thirty-eight from "pursuant to the Method" to "General of the said Court;".
Section One hundred and sixty-nine.

c. 121. in part. *An Act the title of which begins with the words,*—An Act to amend and explain certain Provisions of an Act of the Third and Fourth Years,—*and ends with the words,*—Alienation of Corporate Property in Ireland - - - - - - } in part; namely,—
Sections Two to Eight, Ten, and Eleven.

c. 123. An Act to authorize until the End of the next Session of Parliament an Alteration of the Annuities and Premiums of the Naval Medical Supplemental Fund Society.

c. 125. An Act to continue until the Thirty-first Day of July One thousand eight hundred and forty-six, and to the End of the then Session of Parliament, certain Acts for regulating Turnpike Roads in Ireland.

c. 127. in part. An Act for the better securing the Payment of Small Debts - - - - - } in part; namely,—
Schedules (A.), (B.), and (D.)

c. 128. in part. An Act to make further Regulations respecting the Tickets of Work to be delivered to Silk Weavers in certain Cases - - - - - } in part; namely,—
Section One from "from" to "forty-five".
Section Nine.

8 & 9 Vict.—*cont.* c. 129.	An Act for raising the Sum of Nine millions and twenty-four thousand nine hundred Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and forty-five.
c. 130.	*An Act the title of which begins with the words,*—An Act to apply the Sum, —*and ends with the words,*—and to appropriate the Supplies granted in this Session of Parliament.
9 & 10 Vict. c. 1. in part.	An Act for the further Amendment of the Acts for the Extension and Promotion of Public Works in Ireland - - - - - - } in part; namely,— Sections One and Thirteen.
c. 2. in part.	*An Act the title of which begins with the words,*—An Act to authorize Grand Juries in Ireland,—*and ends with the words,*—Payment of Contractors for Works under Grand Jury Presentments in Ireland } :— Except Section Twenty.
c. 3. in part.	An Act to encourage the Sea Fisheries of Ireland, by promoting and aiding with Grants of Public Money the Construction of Piers, Harbours, and other Works - - - - - } in part; namely,— Sections Three and Sixty-four to Sixty-nine. Section Seventy-seven so far as it relates to application of penalties. Sections Eighty-two and Eighty-eight.
c. 4. in part.	*An Act the title of which begins with the words,*—An Act to amend the Acts for promoting the Drainage of Lands,—*and ends with the words,*—labouring Classes in Works of Drainage during the present Year - - - - - - } in part; namely,— Sections Forty-five to Fifty-two.
c. 6.	An Act to make Provision until the First Day of September One thousand eight hundred and forty-seven, for the treatment of poor Persons afflicted with Fever in Ireland.
c. 7.	An Act to apply the Sum of Eight Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and forty-six.
c. 11.	An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.
c. 12.	An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore.
c. 15.	An Act for raising the Sum of Eighteen millions three hundred and eighty thousand two hundred Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and forty-six.
c. 17. in part.	An Act for the Abolition of the exclusive Privilege of Trading in Burghs in Scotland - - - } in part; namely,— Section Four.
c. 18.	An Act to amend Two clerical Errors in an Act of the last Session, for regulating the Labour of Children, young Persons, and Women in Print Works.
c. 20. in part.	*An Act the title of which begins with the words,*—An Act to amend an Act of the Second Year,—*and ends with the words,*—Undertakings to be effected under the Authority of Parliament - - } in part; namely,— Section One.
c. 21.	An Act to enable the Right Honourable Henry Viscount Hardinge to receive the full Benefit of an Annuity of Five thousand Pounds granted to him by the East India Company.
c. 24. in part.	An Act for removing some Defects in the Administration of Criminal Justice - - - } in part; namely— Section Two from "That the said" to "repealed; and".

9 & 10 Vict.—*cont.*

c. 26. An Act for abolishing the Office of Superintendent of Convicts under Sentence of Transportation.
Repealed as to all Her Majesty's Dominions.

c. 33. in part. An Act to amend the Laws relating to Corresponding Societies and the licensing of Lecture Rooms - } in part; namely,—
Section Two.

c. 35. *An Act the title of which begins with the words,*—An Act to continue until the Thirty-first Day of December,—*and ends with the words,*—Settlements in Western Australia on the Western Coast of New Holland.

c. 36. An Act to continue until the First Day of January One thousand eight hundred and fifty-one, and to the End of the then next Session of Parliament, and to amend an Act for establishing an Office for the Benefit of Coalwhippers of the Port of London.

c. 37. in part. An Act to amend the Laws relating to the Office of Coroner and the Expences of Inquests in Ireland - } in part; namely,—
Section One.
Section Twenty-three from "Provided also" to end of that Section.
Sections Fifty-one and Fifty-three.

c. 40. in part. An Act to declare certain Ropeworks not within the Operation of the Factory Acts - - - } in part; namely,—
Section Two.

c. 42. An Act to authorize a Loan from the Consolidated Fund to the New Zealand Company.
Repealed as to all Her Majesty's Dominions.

c. 43. An Act to suspend until the First Day of October One thousand eight hundred and forty-seven the making of Lists and the Ballots and Enrolments for the Militia of the United Kingdom.

c. 44. in part. An Act to remove Doubts as to the Election of Members to serve in Parliament for the County of Chester, the Boroughs situate therein, and for the County of the City of Chester - - - } in part; namely,—
Section One from "or for" to "them,".
Section Two.

c. 45. An Act to continue until the First Day of September One thousand eight hundred and forty-seven certain of the Provisions of an Act of the Fifth and Sixth Years of Her present Majesty, for amending the Constitution of the Government of Newfoundland.
Repealed as to all Her Majesty's Dominions.

c. 46. *An Act the title of which begins with the words,*—An Act to continue until the Thirty-first Day of December,—*and ends with the words,*—Survey of Great Britain, Berwick-upon-Tweed, and the Isle of Man.

c. 47. An Act to apply the Sum of Four Millions out of the Consolidated Fund and the Surplus of Ways and Means, to the Service of the Year One thousand eight hundred and forty-six.

c. 48. in part. An Act for legalizing Art Unions - - - in part; namely,—
Sections Two and Three.

c. 49. An Act to continue until the First Day of October One thousand eight hundred and forty-seven, and to the End of the then next Session of Parliament, an Act for authorizing the Application of Highway Rates to Turnpike Roads.

c. 50. *An Act the title of which begins with the words,*—An Act to continue until the First Day of October,—*and ends with the words,*—Liability to be rated as such, in respect of Stock in Trade or other Property, to the Relief of the Poor.

9 & 10 Vict.-*cont.*

c. 51. An Act to continue certain Turnpike Acts until the First Day of October One thousand eight hundred and forty-seven, and to the End of the then next Session of Parliament.

c. 52. An Act to continue to the First Day of October One thousand eight hundred and forty-seven, and to the End of the then next Session of Parliament, the Act to amend the Laws relating to Loan Societies.

c. 53. An Act to continue the Copyhold Commission until the Thirty-first Day of July One thousand eight hundred and forty-seven, and to the End of the then next Session of Parliament.

c. 54. An Act to extend to all Barristers practising in the Superior Courts at Westminster the Privileges of Serjeants at Law in the Court of Common Pleas.

Repealed from the commencement of the "Supreme Court of Judicature Act, 1873."

c. 55. *An Act the title of which begins with the words,*—An Act to defray until the First Day of August One thousand eight hundred and forty-seven the Charge of the Pay,—*and ends with the words,*—Militia; and to authorize the Employment of the Non-commissioned Officers.

c. 56. in part. An Act to provide Forms of Proceedings under the Acts relating to the Duties of Assessed Taxes, and the Duties on Profits arising from Property, Professions, Trades, and Offices in England - } in part; namely,—

Section Four.

c. 57. in part. An Act for regulating the Gauge of Railways - in part; namely,—

Section Nine.

c. 59. in part. An Act to relieve Her Majesty's Subjects from certain Penalties and Disabilities in regard to Religious Opinions - - - - - - } in part; namely,—

Section One, the words "from and after the Commencement of this Act", from "The Statute or Ordinance of the" to "Statutum Judæismo:", from "Also so much of the said Act as enacts, that if" to "the same is hereby repealed:", from "Also so much of another Act" to "Her Dominions:" and from "Also an Act passed in the Twenty-ninth" to end of that Section.

Section Two to "this Act".

Section Three.

Section Four to "this Act".

Section Five.

c. 60. in part. An Act to exempt from Stamp Duty Bonds and Warrants to confess Judgment executed by High Constables or Collectors of Grand Jury Cess, or their Sureties in Ireland - - - - } in part; namely,—

Section One from "and any such Bond" to end of that Section.

Section Two.

c. 61. in part. An Act to amend an Act of the Seventh Year of King George the Fourth, for consolidating and amending the Laws relating to Prisons in Ireland - - } in part; namely,—

Section Two.

c. 62. An Act to abolish Deodands.

c. 64. in part. An Act to enable Courts of Law in Ireland to give Relief against adverse Claims made upon Persons having no Interest in the Subject Matter of such Claims - - - - - - } in part; namely,—

Section Eight.

c. 66. in part. An Act to amend the Laws relating to the Removal of the Poor - - - - - } in part; namely,—

Section Ten.

9 & 10 Vict.—*cont.*	
c. 67. in part.	An Act to remove Doubts concerning Citations, and Services and Execution of Diligence, in Scotland - } in part; namely,— Section Two.
c. 69.	An Act to authorise until the Thirty-first Day of July One thousand eight hundred and forty-seven, and to the End of the then next Session of Parliament, the Regulation of the Annuities and Premiums of the Naval Medical Supplemental Fund Society.
c. 70. n part.	An Act to amend the Act to facilitate the Inclosure and Improvement of Commons - - - } in part; namely,— Section One, the words "heretofore issued or", from "or, in case" (where those words first occur) to "such Inclosure," (where those words first occur), and from "or in case" (where those words next occur) to "such Inclosure,". Sections Thirteen and Fifteen.
c. 71.	*An Act the title of which begins with the words,*—An Act to amend an Act of the present Session,—*and ends with the words,*—Payment of Contractors for Works under Grand Jury Presentments in Ireland.
c. 72. in part.	An Act to amend the Act for Marriages in Ireland, and for registering such Marriages - - } in part; namely,— Section Five.
c. 73. in part.	An Act further to amend the Acts for the Commutation of Tithes in England and Wales - - } in part; namely,— Section Nineteen from "and every Instrument purporting" to end of that Section. Sections Twenty-one and Twenty-four.
c. 74. in part.	An Act to encourage the Establishment of public Baths and Wash-houses - - - - } in part; namely,— Section Two from "Parish" to "its own Poor:", from "Rate-payers" to "for the Parish:" and from "elected under an Act passed in the Fifty-ninth" to "Poor, or". Section Three. Section Four to "Majesty; and". Section Twenty-two, the words "Council of any such Borough, or", "the Borough Fund, or" and "as the Case may be.". Sections Thirty-seven and Forty-one. Schedule (B.).
c. 76. in part.	An Act for the Abolition of the exclusive Privilege of Trading, or of regulating Trades, in Cities, Towns, or Boroughs in Ireland - - - } in part; namely,— Sections Two to Four, Seven, and Eight.
c. 77. in part.	An Act to amend the Acts relating to the Offices of the House of Commons - - - - } in part; namely,— Section Two. Section Three to "instead thereof" and from "and there" to "Expenditure;". Sections Four and Six.
c. 78.	An Act to authorise a further Advance of Money out of the Consolidated Fund towards defraying the Expence of County Works presented in Ireland.
c. 79.	*An Act the title of which begins with the words,*—An Act to continue until the Thirty-first Day of July,—*and ends with the words,*—amending the Law relative to Private Lunatic Asylums in Ireland.
c. 80.	An Act to authorise the Advance of Money out of the Consolidated Fund, for carrying on Public Works and Fisheries, and Employment of the Poor.

9 & 10 Vict.—*cont.*	
c. 82.	An Act to amend an Act of the present Session for authorizing a Loan from the Consolidated Fund to the New Zealand Company. Repealed as to all Her Majesty's Dominions.
c. 83.	An Act to empower the Commissioners for the Issue of Loans for Public Works and Fisheries to make Loans in Money to the Commissioners of Her Majesty's Woods, in lieu of Loans heretofore authorized to be made in Exchequer Bills.
c. 85.	An Act to authorize the Application of Money for the Purposes of Loans for carrying on Public Works in Ireland.
c. 86. in part.	An Act to extend and consolidate the Powers hitherto exercised by the Commissioners of Public Works in Ireland, and to appoint additional Commissioners - - - - - - } in part; namely,— Sections One, Three, Seven, and Ten.
c. 87. in part.	An Act for promoting the voluntary Establishment in Boroughs and certain Cities and Towns in Ireland of public Baths and Wash-houses - - } in part; namely,— Section Twenty-seven.
c. 88. in part.	An Act to remove Doubts as to the Legality of certain Assignments of Ecclesiastical Patronage - } in part; namely,— Section Two.
c. 89.	An Act to continue certain Acts for regulating Turnpike Roads in Ireland until the Thirty-first Day of July One thousand eight hundred and forty-seven, and to the End of the then Session of Parliament.
c. 90. in part.	An Act to prevent the Use of Stills by unlicensed Persons - - - - - - } in part; namely,— Section Four from "and if" to "respect,".
c. 93. in part.	An Act for compensating the Families of Persons killed by Accidents - - - - } in part; namely,— Section Six to "and that,". Section Seven.
c. 95. in part.	An Act for the more easy Recovery of Small Debts and Demands in England - - - } in part; namely,— Section Four from "and all" to end of that Section. Sections Five to Seven, Nine to Twelve, Fifteen, and Seventeen. Section Twenty from "who shall be" to "holden," and from "who shall be" (where those words next occur) to "Three Years,". Section Twenty-three. Section Twenty-four from "and, in case" to "herein-after provided;". Sections Twenty-eight and Thirty, the words "or High Bailiff" (where they first occur in each Section), and the words "Clerk or" (where they last occur in each Section). Section Thirty-three from "and the said High Bailiffs shall" to "Judge;". Sections Thirty-four, Thirty-five, and Thirty-eight. Section Thirty-nine, the words "to make such Order, or" and from "and in such Case" to end of that Section. Section Forty to "next before the passing of this Act:". Section Forty-two from "pay" to "Fees, and" and the subsequent word "other". Sections Forty-three, Forty-five, and Forty-seven. Section Fifty-eight, the words "or for Criminal Conversation,". Section Sixty-two from "any Judge" to "Chancery, or". Section Seventy-two from "out" to "Fund of the Court". Section Seventy-eight to "the Courts holden under this Act; and". Section One hundred and forty-three. Schedule (D.).

9 & 10 Vict.-*cont.* c. 96.	*An Act the title of which begins with the words,*—An Act for the more speedy Removal of certain Nuisances,—*and ends with the words,*—End of the then next Session of Parliament.	
c. 97. in part.	An Act to provide for removing the Charge of the Constabulary Force in Ireland from the Counties, and for enlarging the Reserve Force; and to make further Provision for the Regulation and Disposition of the said Constabulary Force - -	in part; namely,—
	Sections One and Seven.	
c. 101. in part.	An Act to authorize the Advance of Public Money to a limited Amount, to promote the Improvement of Land in Great Britain and Ireland by Works of Drainage - - - - - -	in part; namely,—
	Sections One to Seven. Section Forty-nine from "or any" to "them,". Section Fifty.	
c. 103. in part.	An Act to make further Provision for the Government of the New Zealand Islands - -	in part; namely,—
	Sections Nine and Seventeen. Repealed as to all Her Majesty's Dominions.	
c. 107.	An Act to facilitate the Employment of the labouring Poor for a limited Period in the distressed Districts in Ireland.	
c. 108.	An Act to provide additional Funds for Loans and Grants for Public Works in Ireland.	
c. 111. in part.	An Act to amend the Law in Ireland as to Ejectments and Distresses, and as to the Occupation of Lands	in part; namely,—
	Sections Thirteen and Twenty-five.	
c. 112. in part.	An Act to facilitate and encourage the granting of certain Leases for Terms of Years in Ireland -	in part; namely,—
	Section Nine.	
c. 113. in part.	An Act to improve the Proceedings in Prohibition and on Writs of Mandamus in Ireland - -	in part; namely,—
	Section Ten.	
c. 114.	An Act for the further Amendment of an Act of the Sixth Year of Her present Majesty, for regulating the Irish Fisheries.	
c. 115.	*An Act the title of which begins with the words,*—An Act to amend the Laws as to District Lunatic Asylums in Ireland,—*and ends with the words,*—Salaries and Expences incident to the Office of Inspector of Lunatics in Ireland.	
c. 116.	*An Act the title of which begins with the words,*—An Act to apply the Sum,—*and ends with the words,*—and to appropriate the Supplies granted in this Session of Parliament.	
10 & 11 Vict. c. 1.	An Act to suspend, until the First Day of September One thousand eight hundred and forty-seven, the Duties on the Importation of Corn.	
c. 2.	An Act to allow, until the First Day of September One thousand eight hundred and forty-seven, the Importation of Corn from any Country in Foreign Ships.	
c. 3.	An Act to suspend, until the First Day of September One thousand eight hundred and forty-seven, the Duties on the Importation of Buck Wheat, Buck Wheat Meal, Maize or Indian Corn, Indian Corn Meal, and Rice.	
c. 4. in part.	An Act for abolishing Poundage on Chelsea Pensions	in part; namely,—
	Section One to "repealed; and", from "due from" to "next", and from "Provided" to end of that Section. Section Two.	

10 & 11 Vict.—*cont.*	
c. 5. in part.	An Act to allow the Use of Sugar in the brewing of Beer - - - - - - in part; namely,— Section Seven. Section Eight to "this Act". Section Nine.
c. 7.	An Act for the temporary Relief of destitute Persons in Ireland.
c. 8.	An Act to apply the Sum of Eight Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and forty-seven.
c. 10.	An Act to render valid certain Proceedings for the Relief of Distress in Ireland, by Employment of the Labouring Poor, and to indemnify those who have acted in such Proceedings.
c. 11. in part.	An Act to explain and amend the Act authorizing the Advance of Money for the Improvement of Land by Drainage in Great Britain - - in part; namely,— Section Twelve.
c. 12.	An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.
c. 13.	An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore.
c. 14. in part.	An Act for consolidating in One Act certain Provisions usually contained in Acts for constructing or regulating Markets and Fairs - - - in part; namely,— Sections Fifty-three and Sixty.
c. 15. in part.	An Act for consolidating in One Act certain Provisions usually contained in Acts authorizing the making of Gasworks for supplying Towns with Gas in part; namely,— Sections Fourteen and Fifteen. Section Sixteen from "and recover" to end of that Section. Sections Seventeen, Forty-one, and Fifty. Repealed, except so far as incorporated with special Acts to which 34 & 35 Vict. c. 41. does not apply. But this exception not to apply to Sections Forty-one and Fifty.
c. 16. in part.	An Act for consolidating in One Act certain Provisions usually contained in Acts with respect to the Constitution and Regulation of Bodies of Commissioners appointed for carrying on Undertakings of a public Nature - - - - in part; namely,— Section One hundred and two, the words "or Insolvency,", from "or take" to "Debtors,", the words "or Insolvent," (wherever they occur), and the words "or Act of Insolvency". Sections One hundred and seven and One hundred and twelve.
c. 17. in part.	An Act for consolidating in One Act certain Provisions usually contained in Acts authorizing the making of Waterworks for supplying Towns with Water - - - - - - in part; namely,— Sections Fifty-five and Fifty-nine, so far as they relate to special Acts with which 26 & 27 Vict. c. 93. is incorporated. Sections Eighty-six and Ninety-four.
c. 19.	An Act for raising the Sum of Eighteen millions three hundred and ten thousand seven hundred Pounds by Exchequer Bills, for the Service of the Year one thousand eight hundred and forty-seven.
c. 20.	An Act to authorize the Application of certain Sums received on account of the Fees payable to the Office of Director in Chancery in Scotland towards the Payment of Debts incurred in completing the General Register House at Edinburgh.

10 & 11 Vict.—*cont.*		
c. 21. in part.	An Act to regulate the Stations of Soldiers during Parliamentary Elections - - - - Sections One and Five.	in part; namely,—
c. 22.	An Act to amend, and continue until the First Day of November One thousand eight hundred and forty-seven, and to the End of the then next Session of Parliament, an Act for making Provision for the Treatment of poor Persons afflicted with Fever in Ireland.	
c. 26. in part.	An Act for enabling the Commissioners of Public Works in Ireland to purchase Land for Prisons in Ireland - - - - - - - Section Eight.	in part; namely,—
c. 27. in part.	An Act for consolidating in One Act certain Provisions usually contained in Acts authorizing the making and improving of Harbours, Docks, and Piers - - - - - - - Sections Ninety-three and One hundred and four.	in part; namely,—
c. 28. in part.	An Act to amend the Acts relating to County Buildings - - - - - - - Section Two.	in part; namely,—
c. 31. in part.	An Act to make further Provision for the Relief of the destitute Poor in Ireland - - - - Section Five. Section Twenty-nine to "thereof". Section Thirty-one.	in part; namely,—
c. 32. in part.	An Act to facilitate the Improvement of Landed Property in Ireland - - - - - Sections One, Two, Twelve, and Sixty-seven.	in part; namely,—
c. 33. in part.	An Act to amend the Laws relating to the Removal of poor Persons from England and Scotland - Section Five.	in part; namely,—
c. 34. in part.	An Act for consolidating in One Act certain Provisions usually contained in Acts for paving, draining, cleansing, lighting, and improving Towns - Sections Two hundred and eleven and Two hundred and sixteen.	in part; namely,—
c. 35.	An Act to continue until the Thirty-first Day of July One thousand eight hundred and forty-eight, and to the End of the then Session of Parliament, certain Acts for regulating Turnpike Roads in Ireland.	
c. 36.	An Act for allowing the Subscriptions to the Loan of Eight Millions raised in the Year One thousand eight hundred and forty-seven to be paid up under Discount.	
c. 38. in part.	An Act to facilitate the Drainage of Lands in England and Wales - - - - - - Section Twenty-one.	in part; namely,—
c. 39. in part.	An Act to amend an Act to enable Burghs in Scotland to establish a general System of Police, and another Act for providing for the Appointment and Election of Magistrates and Councillors for certain Burghs and Towns of Scotland - - - - Section Nine.	in part; namely,—
c. 40.	*An Act the title of which begins with the words,*—An Act to continue until the Thirty-first Day of July,—*and ends with the words,*—amending the Law relative to private Lunatic Asylums in Ireland.	
c. 41.	An Act to continue until the Thirty-first Day of July One thousand eight hundred and forty-eight, and to the End of the then next Session of Parliament, certain of the Allowances of the Duty of Excise on Soap used in Manufactures.	

10 & 11 Vict.—*cont.*

c. 42. in part. An Act to transfer the Collection and Management of the Duties in respect of Stage Carriages, Hackney Carriages, and Railway Passengers from the Commissioners of Stamps and Taxes to the Commissioners of Excise - - - - } in part; namely,—
Section One to "and forty-seven", from "for and in respect of Stage" to "employing Stage Carriages, and", and from "and also" to "London,".
Section Two to "September", from "or any of them" to "such Carriages," (where those words first occur), from "or to Stage" to "such Carriages," and from "and to Stage" to "Conductors respectively,".
Sections Three to Six.

c. 44. An Act to render permanent certain Parts of the Act for amending the Constitution of the Government of Newfoundland.
Repealed as to all Her Majesty's Dominions.

c. 46. in part. An Act to facilitate the temporary Investment of Trust Monies in the Improvement of Landed Property in Ireland - - - - - } in part; namely,—
Section Eight.

c. 53. An Act to continue until the First Day of October One thousand eight hundred and forty-eight, and to the End of the then next Session of Parliament, an Act to amend the Laws relating to Loan Societies.

c. 55. An Act to authorize a further Advance of Money for the Relief of destitute Persons in Ireland.

c. 56. An Act to make legal the Collection of certain Duties at Port Natal.
Repealed as to all Her Majesty's Dominions.

c. 60. An Act to abolish One of the Offices of Master in Ordinary of the High Court of Chancery.

c. 61. in part. An Act to amend the Act for the Establishment of public Baths and Wash-houses - - - } in part; namely,—
Section Three to "Adoption; and".
Sections Six and Eight.

c. 62. in part. An Act for the Establishment of Naval Prisons, and for the Prevention of Desertion from Her Majesty's Navy - - - - - } in part; namely,—
Section Nine from "or in the Territories" to "Company".
Section Ten from "or the Forces" to "Company,".
Section Seventeen.

c. 63. in part. An Act for limiting the Time of Service in the Royal Marine Forces - - - - - } in part; namely,—
Section Two to "and that".
Section Three from "for the" to "Years".
Section Four from "for such Period" to "Years,".
Sections Nine and Ten.
Schedule (B.) from "[to be" to "Twenty-four Years],".

c. 64. An Act to suspend until the First Day of March One thousand eight hundred and forty-eight the Duties on the Importation of Corn, Maize, Rice, Grain, Meal, Flour, Biscuit, and certain other similar Articles.

c. 65. in part. An Act for consolidating in One Act certain Provisions usually contained in Acts authorizing the making of Cemeteries - - - - } in part; namely,—
Sections Sixty-three and Sixty-nine.

c. 67. in part. An Act to amend the Law as to the Custody of Offenders - - - - - } in part; namely,—
Section Three.

10 & 11 Vict.—*cont.*

c. 68. An Act to suspend until the First Day of October One thousand eight hundred and forty-eight the making of Lists and the Ballots and Enrolments for the Militia of the United Kingdom.

c. 69. in part. An Act for the more effectual Taxation of Costs on Private Bills in the House of Commons - - } in part; namely,—
Sections One and Twelve.

c. 71. *An Act the title of which begins with the words,*—An Act to authorize Her Majesty to assent to a certain Bill,—*and ends with the words,*—Upper and Lower Canada, and for the Government of Canada.
Repealed as to all Her Majesty's Dominions.

c. 72. in part. An Act for the further Amendment of the Laws relating to Turnpike Roads in South Wales - } in part; namely,—
Section One from "so much" to "repealed, and".
Sections Eight, Fourteen, and Seventeen.

c. 73. An Act to authorize the Advance of Money out of the Consolidated Fund for Loans towards defraying the Expence of making certain Railways in Ireland.

c. 74. An Act to provide for the Repayment of Sums due by the County of the City of Limerick for Advances of public Money for the Improvement of the Navigation of the River Shannon.

c. 75. An Act for the further Improvement of the Fishery Piers and Harbours of Ireland.

c. 77. *An Act the title of which begins with the words,*—An Act to continue until the First Day of October,—*and ends with the words,*—Liability to be rated as such in respect of Stock in Trade or other Property to the Relief of the Poor.

c. 79. in part. An Act to continue for a limited Time the Provisions for summary Proceedings contained in an Act of the last Session to amend the Acts for promoting the Drainage of Lands, and for other Purposes; and to amend the said Act - - - - } in part; namely,—
Sections One and Six.

c. 80. An Act to amend an Act of the last Session, for facilitating the Employment of the labouring Poor in the distressed Districts in Ireland, so far as relates to Compensation for Damages.

c. 82. in part. An Act for the more speedy Trial and Punishment of Juvenile Offenders - - - - } in part; namely,—
Section Twelve to "Forfeiture, but".
Section Nineteen.

c. 84. in part. An Act to make Provision for the Punishment of Vagrants and Persons offending against the Laws in force for the Relief of the destitute Poor in Ireland - - - - - - } in part; namely,—
Sections One and Nine.

c. 85. in part. An Act for giving further Facilities for the Transmission of Letters by Post, and for the regulating the Duties of Postage thereon, and for other Purposes relating to the Post Office - - } in part; namely,—
Sections One and Six.
Section Eighteen to "and that" and the subsequent words "or any Three of them,".
Sections Twenty-one and Twenty-two.

c. 86. An Act to allow until the First Day of March One thousand eight hundred and forty-eight the Importation of Corn, Maize, Rice, Grain, Potatoes, Meal, Flour, Biscuit, and certain other similar Articles, from any Country, in any Ships.

10 & 11 Vict.—*cont.*

c. 87. An Act to facilitate the Recovery of Public Monies advanced for the Relief of Distress in Ireland by the Employment of the labouring Poor.

c. 88. *An Act the title of which begins with the words,*—An Act to defray until the First Day of August One thousand eight hundred and forty-eight the Charge of the Pay,—*and ends with the words,*—Militia; and to authorize the Employment of the Non-commissioned Officers.

c. 89. in part. An Act for consolidating in One Act certain Provisions usually contained in Acts for regulating the Police of Towns - - - - - - } in part; namely,—
Sections Seventy-four and Seventy-nine.

c. 90. in part. An Act to provide for the Execution of the Laws for the Relief of the Poor in Ireland - - - } in part; namely,—
Sections One to Six and Eight.
Section Nine from "Provided always" to end of that Section.
Section Ten to "Successors of the said Poor Law Commissioners;".
Sections Thirteen and Eighteen.
Section Twenty-one to "Proceedings;".
Sections Twenty-two, Twenty-three, and Twenty-five.

c. 91. in part. An Act to increase the Number of Trustees for the Herring Fishery, and to direct the Application of the Funds granted for the Promotion of Manufactures and Improvements, in Scotland - - } in part; namely,—
Section Five.

c. 92. in part. An Act for the Protection of Mussel Fisheries in Scotland - - - - - } in part; namely,—
Section Five.

c. 93. An Act to continue until the First Day of October One thousand eight hundred and forty-eight, and to the End of the then next Session of Parliament, an Act for authorizing the Application of Highway Rates to Turnpike Roads.

c. 94. in part. An Act to amend an Act to enable Canal Companies to become Carriers upon their Canals - - } in part; namely,—
Section Five.

c. 95. in part. An Act to amend the Law relating to the Protection in the Colonies of Works entitled to Copyright in the United Kingdom - - - - } in part; namely,—
Section Three.

c. 96. in part. An Act for better securing Trust Funds, and for the Relief of Trustees - - - - - } in part; namely,—
Section One from "or of the East" to "Sea Company,".
Section Six.

c. 97. An Act for the Discontinuance of the Attendance of the Masters in Ordinary of the High Court of Chancery in the Public Office, and for transferring the Business of such Public Office to the Affidavit Office in Chancery.

c. 98. in part. An Act to amend the Law as to Ecclesiastical Jurisdiction in England - - - - } in part; namely,—
Section One from "save" to "Intestates,".
Sections Three, Four, Six to Eight, and Ten.

c. 99. An Act to authorize a further Advance of Money for the Relief of destitute Persons in Ireland.

c. 100. in part. An Act to regulate the Superannuation Allowances of the Constabulary Force in Ireland and the Dublin Metropolitan Police - - - } in part; namely,—
Sections One, Two, Seven, Nine, and Eleven.

10 & 11 Vict.—*cont.* c. 101.	An Act to continue the Copyhold Commission until the First Day of October One thousand eight hundred and fifty, and to the End of the then next Session of Parliament.
c. 104. in part.	An Act to explain the Acts for the Commutation of Tithes in England and Wales, and to continue the Officers appointed under the said Acts until the First Day of October One thousand eight hundred and fifty, and to the End of the then next Session of Parliament - - - - - in part; namely,— Sections One and Five.
c. 105.	An Act to continue until the First Day of October One thousand eight hundred and forty-eight, and to the End of the then next Session of Parliament, certain Turnpike Acts.
c. 106.	An Act to provide additional Funds for Loans for Drainage and other Works of public Utility in Ireland, and to repeal an Act of the last Session, for authorizing a further Issue of Money in aid of Public Works of acknowledged Utility.
c. 107.	An Act to apply a Sum out of the Consolidated Fund, and certain other Sums, to the Service of the Year One thousand eight hundred and forty-seven; and to appropriate the Supplies granted in this Session of Parliament.
c. 108. in part.	An Act for establishing the Bishoprick of Manchester, and amending certain Acts relating to the Ecclesiastical Commissioners for England - - in part; namely,— Section One from "so much" to "and that". Section Three.
c. 109. in part.	An Act for the Administration of the Laws for Relief of the Poor in England - - - - in part; namely,— Section One to "administering the Laws for Relief of the Poor in England; and" and the subsequent word "said". Sections Two to Four and Six to Nine. Section Ten to "enter on their Office,", from "and by the Commissioners" to "of this Act," and from "and at the" to end of that Section. Section Twelve. Section Fourteen to "enter on their Office,", from "to be" to "specified," and from "and shall" to end of that Section. Sections Sixteen and Eighteen. Section Twenty-two to "and that". Sections Twenty-seven and Thirty.
c. 110.	An Act to amend the Laws relating to the Removal of the Poor, until the First Day of October One thousand eight hundred and forty-eight.
c. 111. in part.	An Act to extend the Provisions of the Act for the Inclosure and Improvement of Commons - in part; namely,— Section Five, the words "the said recited Provision be repealed; and that". Section Ten.
c. 112. in part.	An Act to promote Colonization in New Zealand, and to authorize a Loan to the New Zealand Company - - - - - - :— Except Section Nineteen. Repealed as to all Her Majesty's Dominions.
c. 113. in part.	An Act to facilitate the Drainage of Lands in Scotland in part; namely,— Section Eighteen.
11 & 12 Vict. c. 1.	An Act to facilitate the Completion, in certain Cases, of Public Works in Ireland.

11&12 Vict.—*cont.*	
c. 2. in part.	An Act for the better Prevention of Crime and Outrage in certain Parts of Ireland until the First Day of December One thousand eight hundred and forty-nine, and to the End of the then next Session of Parliament - - - - - in part; namely,— Sections Sixteen to Twenty, Twenty-two, and Twenty-three.
c. 3.	An Act to give further Time for making certain Railways.
c. 4.	An Act to apply the Sum of Eight Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and forty-eight.
c. 7.	An Act to amend an Act for consolidating the Queen's Bench, Fleet, and Marshalsea Prison, and for regulating the Queen's Prison.
c. 8.	An Act to continue for Three Years the Duties on Profits arising from Property, Professions, Trades, and Offices.
c. 9.	An Act to continue for Three Years the Stamp Duties granted by an Act of the Fifth and Sixth Years of Her present Majesty, to assimilate the Stamp Duties in Great Britain and Ireland, and to make Regulations for collecting and managing the same.
c. 10. in part.	An Act for empowering certain Officers of the High Court of Chancery to administer Oaths and take Declarations and Affirmations - - - in part; namely,— Section Two. Section Three from "or Clerk of Affidavits" to "Affidavits,". Sections Four to Six.
c. 11.	An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.
c. 12. in part.	An Act for the better Security of the Crown and Government of the United Kingdom - - in part; namely,— Sections One and Eleven.
c. 13. in part.	An Act for amending the Law for the leasing of Mines in Ireland - - - - - in part; namely,— Section One from "That from" to "repealed; and". Section Four.
c. 15.	An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore.
c. 16.	An Act for raising the Sum of Seventeen millions nine hundred and forty-six thousand five hundred Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and forty-eight.
c. 17.	An Act to amend the Act of the present Session to facilitate the Completion of Public Works in Ireland.
c. 18.	An Act to remove certain Doubts as to the Law for the trial of controverted Elections.
c. 20.	An Act to authorize for One Year, and to the End of the then next Session of Parliament, the Removal of Aliens from the Realm.
c. 21. in part.	An Act to consolidate and amend the Laws relating to Insolvent Debtors in India - - - in part; namely,— Section One. Section Seven from "and until" to end of that Section. Section Sixteen to "Assignment; and". Sections Forty-two and Sixty-five to Sixty-seven. Section Sixty-eight, the words "Master or". Section Eighty-eight from "and that" to end of that Section. Section Eighty-nine from "by the Recorder" to "Malacca," and from "from Time to Time to establish" to "practise in the said Court for the Relief of Insolvent Debtors, and". Section Ninety-three. Repealed as to all Her Majesty's Dominions.

11&12 Vict.-*cont.* c. 22.	An Act for granting Relief to the Island of Tobago, and for aiding the Colonies of British Guiana and Trinidad in raising Money for the Promotion of Immigration of free Labourers.	
c. 24.	An Act for disfranchising the Freemen of the Borough of Great Yarmouth.	
c. 25. in part.	An Act to extend the Powers given by former Acts for purchasing or hiring Land in connexion with or for the Use of Workhouses in Ireland; and for providing for the Burial of the Poor - - Section Two from "so much" to "lieu thereof". Section Five.	in part; namely,—
c. 26. in part.	*An Act the title of which begins with the words,*—An Act to remove Difficulties in the Appointment of Collectors of Grand Jury Cess,—*and ends with the words,*—Poor Rates, and other Cases - - Sections Four and Nine.	in part; namely,—
c. 28. in part.	An Act to amend the Law of Imprisonment for Debt in Ireland, and to improve the Remedies for the recovery of Debts and of the Possession of Tenements situate in Cities and Towns in certain Cases Section Two. Section Three to "such Remedy and Execution:". Sections Twenty and Twenty-one.	in part; namely,—
c. 29. in part.	An Act to enable Persons having a Right to kill Hares in England and Wales to do so, by themselves or Persons authorized by them, without being required to take out a Game Certificate - Section One from "without the Payment of any" to "aforesaid, and". Section Two from "which Book" to "District;". Section Nine.	in part; namely,—
c. 30. in part.	An Act to enable all Persons having at present a Right to kill Hares in Scotland to do so themselves, or by Persons authorized by them, without being required to take out a Game Certificate - Section Seven.	in part; namely,—
c. 31. in part.	An Act to amend the Procedure in respect of Orders for the Removal of the Poor in England and Wales, and Appeals therefrom - - Sections One, Six, Twelve, and Thirteen.	in part; namely,—
c. 32. in part.	An Act to facilitate the Collection of County Cess in Ireland - - - - - - Section Four.	in part; namely,—
c. 33.	An Act to apply the Sum of Three Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and forty-eight.	
c. 35.	*An Act the title of which begins with the words,*—An Act to empower the Lord Lieutenant,—*and ends with the words,*—conspiring against Her Majesty's Person and Government.	
c. 36. in part.	An Act for the Amendment of the Law of Entail in Scotland - - - - - - Section Thirty-four from "and shall also" to end of that Section. Sections Forty-six and Fifty-three.	in part; namely,—
c. 38. in part.	An Act to authorize the West India Relief Commissioners to grant further Time for the Repayment of Monies advanced by them in certain Cases - Section Seven.	in part; namely,—

11&12 Vict.-*cont.*	
c. 42. in part.	An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within England and Wales with respect to Persons charged with indictable Offences - - - - } in part; namely,— Section Twenty-three from "Provided also" to end of that Section. Sections Thirty-three to Thirty-five. Schedule (S. 1.) so far as it relates to the condition where the defendant is entitled to a Traverse.
c. 43. in part.	An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions, within England and Wales, with respect to summary Convictions and Orders - - - - } in part; namely,— Sections Thirty-six, Thirty-eight, and Thirty-nine.
c. 44. in part.	An Act to protect Justices of the Peace from vexatious Actions for Acts done by them in execution of their Office - - - - - } in part; namely,— Sections Sixteen, Seventeen, and Nineteen.
c. 46. in part.	An Act for the Removal of Defects in the Administration of Criminal Justice - - - } in part; namely,— Section Six.
c. 47. in part.	An Act for the Protection and Relief of the destitute Poor evicted from their Dwellings in Ireland - } in part; namely,— Section Ten.
c. 48. in part.	An Act to facilitate the Sale of Incumbered Estates in Ireland - - - - - } in part; namely,— Section Fifty-one. Section Seventy-five from "and may" to end of that Section.
c. 49.	An Act for regulating the Sale of Beer and other Liquors on the Lord's Day.
c. 51.	An Act to provide additional Funds for Loans for Drainage and other Works of public Utility in Ireland.
c. 55. in part.	An Act for consolidating the Offices of Paymasters of Exchequer Bills and Paymaster of Civil Services with the Office of Paymaster General, and for making other Provisions in regard to the consolidated Offices - - - - - } in part; namely,— Section Eight from "and the said" to end of that Section. Section Ten.
c. 58.	An Act to authorize for Ten Years, and to the End of the then next Session of Parliament, the Regulation of the Annuities and Premiums of the Naval Medical Supplemental Fund Society.
c. 64.	An Act to continue until the First Day of October One thousand eight hundred and forty-nine, and to the End of the then next Session of Parliament, an Act to amend the Laws relating to Loan Societies.
c. 65.	An Act to suspend until the First Day of October One thousand eight hundred and forty-nine the making of Lists and the Ballots and Enrolments for the Militia of the United Kingdom.
c. 66.	An Act to continue to the First Day of October One thousand eight hundred and forty-nine, and to the End of the then next Session of Parliament, an Act for authorizing the Application of Highway Rates to Turnpike Roads.
c. 67.	An Act for further continuing until the First Day of August One thousand eight hundred and forty-nine, and to the End of the then next Session of Parliament, certain temporary Provisions concerning Ecclesiastical Jurisdiction in England.

11 & 12 Vict.—*cont.*		
c. 68. in part.	An Act for extending to Ireland an Act passed in the last Session of Parliament, intituled An Act for better securing Trust Funds, and for the Relief of Trustees - - - - - - -	in part; namely,—
	Sections Five and Eight.	
	The rest of this Act so far as it relates to the Court of Exchequer.	
c. 69. in part.	*An Act the title of which begins with the words,*—An Act to repeal so much of an Act of the Parliament of Ireland,—*and ends with the words,*—Remedies against any Hundreds or Baronies in Ireland in respect of Robbery - - - - -	in part; namely,—
	Sections One, Three, Four, and Six.	
c. 70.	An Act for dispensing with the Evidence of the Proclamations on Fines levied in the Court of Common Pleas at Westminster.	
c. 71.	An Act to continue to the Twentieth Day of July One thousand eight hundred and fifty-three, and to the End of the then next Session of Parliament, Her Majesty's Commission for building new Churches.	
c. 72. in part.	An Act to amend the Acts relating to the Constabulary Force in Ireland, and to amend the Provisions for the Payment of Special Constables -	in part; namely,—
	Sections One and Two.	
	Section Six, the words "at and after the Rates herein-before specified,".	
	Section Seven from "and also" to "Constables,".	
	Section Sixteen.	
	Schedule (A.).	
c. 73.	An Act to continue until the Thirty-first Day of July One thousand eight hundred and forty-nine, and to the End of the then Session of Parliament, certain Acts for regulating Turnpike Roads in Ireland.	
c. 74. in part.	An Act to authorize the Lords of Council and Session to regulate the Rates or Dues of Registration to be charged by the Keepers of the Registers of Sasines, Reversions, &c. in Scotland - -	in part; namely,—
	Section Three.	
c. 75.	*An Act the title of which begins with the words,*—An Act to defray until the First Day of August One thousand eight hundred and forty-nine the Charge of the Pay,—*and ends with the words,*—Militia; and to authorize the Employment of the Non-commissioned Officers.	
c. 78. in part.	An Act for the further Amendment of the Administration of the Criminal Law - - -	in part; namely,—
	Section Eight.	
	And from the commencement of the "Supreme Court of Judicature Act, 1873."—	
	Section Three to "Place and" so far as it relates to England.	
c. 79. in part.	An Act to facilitate and simplify Procedure in the Court of Justiciary in Scotland - - -	in part; namely,—
	Sections Eight and Thirteen.	
c. 80. in part.	*An Act the title of which begins with the words,*—An Act to empower Lessees of Tithe Rent-charge in Ireland to deduct a Proportion of Poor Rate Poundage from Rent,—*and ends with the words,*—certain Tax thereby imposed upon such Property in Ireland - - - - - - -	in part; namely,—
	Section Four.	
c. 83. in part.	An Act to confirm the Awards of Assessionable Manors Commissioners, and for other Purposes relating to the Duchies of Cornwall and Lancaster	in part; namely,—
	Sections Three and Sixteen.	

11 & 12 Vict.—*cont.*		
c. 85.	*An Act the title of which begins with the words,*—An Act to continue to the First Day of October,—*and ends with the words,*—Stock in Trade or other Property to the Relief of the Poor.	
c. 87. in part.	An Act to extend the Provisions of an Act passed in the First Year of His late Majesty King William the Fourth, intituled An Act for consolidating and amending the Laws for facilitating the Payment of Debts out of Real Estate - - - -	in part; namely,—
	Section Two.	
c. 88. in part.	An Act for further regulating the Money Order Department of the Post Office - - -	in part; namely,—
	Section One.	
	Section Six, the words "or any Three of them" (wherever they occur).	
	Section Nine.	
c. 89. in part.	*An Act the title of which begins with the words,*—An Act to continue for Two Years,—*and ends with the words,*—preventing the administering and taking unlawful Oaths in Ireland - - -	in part; namely,—
	Section One and Three.	
c. 90. in part.	An Act to regulate the Times of Payment of Rates and Taxes by Parliamentary Electors - -	in part; namely,—
	From "after" to "forty-nine".	
c. 91. in part.	An Act to make Provision for the Payment of Parish Debts, the Audit of Parochial and Union Accounts, and the Allowance of certain Charges therein -	in part; namely,—
	Section Two, the words "have been commenced or".	
	Section Three.	
	Section Six from "any Authority" to "Cases, or".	
	Section Twelve from "and all Relief" to "same was granted out of the Workhouse:" and the subsequent words "given or", "heretofore or hereafter", "is now or", and "hereafter".	
c. 92. in part.	An Act for the Protection and Improvement of the Salmon, Trout, and other Inland Fisheries of Ireland - - - - - - -	in part; namely,—
	Section Two.	
	Section Three to "Maps; and".	
	Sections Twenty-two, Twenty-seven, and Thirty-five, so far as they relate to application of fines, penalties, and forfeitures.	
	Section Forty.	
c. 96.	An Act to continue certain Turnpike Acts for limited Periods.	
c. 99. in part.	An Act to further extend the Provisions of the Act for the Inclosure and Improvement of Commons -	in part; namely,—
	Section One, the words "to sanction an Inclosure, or".	
	Section Fifteen.	
c. 101. in part.	An Act to provide for the Expenses of erecting and maintaining Lock-up Houses on the Borders of Counties - - - - - -	in part; namely,—
	Section Eight.	
c. 102. in part.	*An Act the title of which begins with the words,*—An Act to enlarge the Powers of an Act,—*and ends with the words,*—Mode of keeping the Accounts of the Commissioners of Her Majesty's Woods - -	in part; namely,—
	Sections One to Five.	
	Section Six to "confirmed; and".	
	Section Eight from "and that the next" to "provided;".	

11&12 Vict.c.102. in part—*cont.*	Section Nine, the words "or any Three or more of them," (wherever they occur). Section Ten, the words "or any Three of them,". Section Twelve.
c. 103. in part.	An Act to authorize the Application of a Sum of Money out of the forfeited and unclaimed Army Prize Fund in purchasing the Site of the Royal Military Asylum, and in improving such Asylum - in part; namely,— Section Two.
c. 104. in part.	An Act for amending the Act for regulating the Prison at Millbank - - - - in part; namely,— Section One to "Stead, and" and the words "or by Two" (wherever they occur). Sections Two and Three.
c. 105. in part.	An Act to prohibit the Importation of Sheep, Cattle, or other Animals, for the Purpose of preventing the Introduction of contagious or infectious Disorders in part; namely,— Section Six.
c. 106.	An Act to amend an Act of the Tenth Year of Her present Majesty, for rendering valid certain Proceedings for the Relief of Distress in Ireland by Employment of the labouring Poor, and to indemnify those who have acted in such Proceedings.
c. 107. in part.	An Act to prevent, until the First Day of September One thousand eight hundred and fifty, and to the End of the then Session of Parliament, the spreading of contagious or infectious Disorders among Sheep, Cattle, and other Animals - - - in part; namely,— Sections Thirteen, Twenty, and Twenty-two.
c. 108.	An Act for enabling Her Majesty to establish and maintain Diplomatic Relations with the Sovereign of the Roman States.
c. 110. in part.	An Act to alter the Provisions relating to the Charges for the Relief of the Poor in Unions - - in part; namely,— Sections One, Three, Four, Six, and Thirteen.
c. 111. in part.	An Act to amend an Act of the Tenth Year of Her present Majesty, for amending the Laws relating to the Removal of the Poor - - - in part; namely,— Section Two.
c. 112.	An Act to consolidate, and continue in force for Two Years and to the End of the then next Session of Parliament, the Metropolitan Commissions of Sewers.
c. 114.	An Act to prevent District Auditors from taking Proceedings in certain Cases.
c. 115.	An Act to vest in Her Majesty the Property of the Irish Reproductive Loan Fund Institution, and to dissolve the said Institution.
c. 118. in part.	An Act to explain and amend the Law as to the Licence required for the letting of Post Horses to Hire in Ireland, and the Law respecting Proceedings for Duties and Penalties under the Post Horse, Stage, and Hackney Carriage Acts in the United Kingdom - - - - - in part; namely,— Section One. Section Two, except so far as it relates to duties imposed for and in respect of passengers conveyed upon railways. Section Three to "this Act".

11 & 12 Vict.—*cont.*	
c. 119. in part.	An Act to simplify the Forms of Certificates under the Act authorizing the Advance of Money for the Improvement of Land by Drainage in Great Britain - } in part; namely,— Section Five.
c. 120. in part.	An Act to facilitate the Transfer of Landed Property in Ireland - - - - - - } in part; namely,— Section Fifteen.
c. 121. in part.	*An Act the title of which begins with the words,*—An Act to alter the Laws and Regulations of Excise,—*and ends with the words,*— Penalties and Forfeitures recovered under the Laws of Excise - } :— Except Sections Nine to Eleven and Eighteen.
c. 122. in part.	*An Act the title of which begins with the words,*—An Act to amend the Laws respecting the Warehousing of British Spirits,—*and ends with the words,*—Removal of Goods subject to Excise Regulations from Customs Warehouse - - - - - - } :— Except Section Twenty-six from "before any Goods" to "without such Certificate," and from "shall be subject" to end of that Section.
c. 126.	An Act to apply a Sum out of the Consolidated Fund, and certain other Sums, to the Service of the Year One thousand eight hundred and forty-eight; and to appropriate the Supplies granted in this Session of Parliament.
c. 127.	An Act to reduce the Duties on Copper and Lead.
c. 130. in part.	An Act for guaranteeing the Interest on such Loans, not exceeding Five hundred thousand Pounds, as may be raised by the British Colonies on the Continent of South America, in the West Indies and the Mauritius, for certain Purposes - - } in part; namely,— The words "or any Three of them," (wherever they occur).
c. 131.	An Act to amend, and continue until the First Day of November One thousand eight hundred and forty-nine, and to the End of the then next Session of Parliament, an Act to make Provision for the Treatment of poor Persons afflicted with Fever in Ireland.
c. 132. in part.	An Act for the Appointment of additional Taxing Masters for the High Court of Chancery in Ireland, and to regulate the Appointment of the Principal Assistants to the Masters in the Superior Courts of Law in Ireland - - - - } in part; namely,— Section Nine.
12 & 13 Vict. c. 1. in part.	An Act to consolidate the Boards of Excise and Stamps and Taxes into One Board of Commissioners of Inland Revenue, and to make Provision for the Collection of such Revenue - - } in part; namely,— Sections Nine, Thirteen, and Eighteen.
c. 2.	*An Act the title of which begins with the words,*—An Act to continue, until the First Day of September,—*and ends with the words,*—conspiring against Her Majesty's Person and Government.
c. 3.	An Act to apply the Sum of Eight Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and forty-nine.
c. 4. in part.	An Act to amend the Laws relating to the Appointment of Vice Guardians of Unions in Ireland - } in part; namely,— Sections One and Two. Section Three from "provided" to end of that Section. Section Four.
c. 5.	An Act to authorize an Advance of Money for the Relief of certain distressed Poor Law Unions in Ireland.

12 & 13 Vict.—*cont.*		
c. 6. in part.	An Act to repeal an Act of the Twenty-first Year of George the Second, for holding the Summer Assizes at Buckingham; and to authorize the Appointment of a more convenient Place for holding the same - - - - -	in part; namely,— Section One.
c. 8. in part.	An Act to remove Doubts as to the Appointment of Overseers in Cities and Boroughs - -	in part; namely,— Sections Two, Three, and Five.
c. 10.	An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.	
c. 12.	An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore.	
c. 13. in part.	An Act to provide a more effectual Regulation and Control over the Maintenance of poor Persons in Houses not being the Workhouses of any Union or Parish - - - - - -	in part; namely,— Section Eight from "and it shall be lawful for the General" to end of that Section. Section Eleven.
c. 14. in part.	An Act to enable Overseers of the Poor and Surveyors of the Highways to recover the Costs of distraining for Rates - - - - - -	in part; namely,— Section Two from "so much" to "and that hereafter," and the words "is or are now or". Section Six, the words "have been or", "hereafter" and "is or". Section Seven. Section Nine from "every" to "hereafter".
c. 16. in part.	An Act to protect Justices of the Peace in Ireland from vexatious Actions for Acts done by them in the Execution of their Office - - -	in part; namely,— Section Eleven from "and which said Tender" to "Issue aforesaid;". Section Twelve from "or if he shall not prove that" to "Declaration,". Sections Sixteen, Seventeen, and Nineteen.
c. 17.	An Act to continue for Five Years so much of an Act of the Second and Third Years of Her present Majesty, as enables Justices to grant Warrants for entering Places in which Spirits are sold without Licence in Ireland.	
c. 20.	An Act for raising the Sum of Seventeen millions seven hundred and eighty-six thousand seven hundred Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and forty-nine.	
c. 23.	An Act to authorize further Advances of Money for the Improvement of Landed Property, and the Extension and Promotion of Drainage and other Works of public Utility, in Ireland.	
c. 24.	An Act to make Provision, until the Thirty-first Day of December One thousand eight hundred and fifty, for a General Rate in Aid of certain distressed Unions and Electoral Divisions in Ireland.	
c. 26. in part.	An Act for granting Relief against Defects in Leases made under Powers of Leasing, in certain Cases -	in part; namely,— Section Seven from "and shall not" to end of that Section. Section Nine.
c. 31. in part.	An Act for requiring the Transmission of the annual Abstracts and Statements of Trustees of Turnpike Roads and Bridges in Scotland to the Secretary of State to be laid before Parliament - -	in part; namely,— Section Five.

12&13 Vict.—*cont.*		
c. 32.	An Act to continue to the End of the Year One thousand eight hundred and fifty-one certain temporary Provisions relating to the Collection of Grand Jury Cess in Ireland.	
c. 34. in part.	An Act to amend an Act regulating the Justice of the Peace Small Debt Courts in Scotland - - Section Five.	in part; namely,—
c. 35. in part.	An Act for requiring annual Returns of the Expenditure on Highways in England and Wales to be transmitted to the Secretary of State, and afterwards laid before Parliament - - - Section Five.	in part; namely,—
c. 36.	An Act to make Provision, during the present Year, and to the End of the Year One thousand eight hundred and fifty-one, relating to the Collection of County Cess in Ireland, and to the Remuneration of the Collectors thereof.	
c. 37.	An Act to continue to the First Day of October One thousand eight hundred and fifty, and to the End of the then next Session of Parliament, an Act to amend the Laws relating to Loan Societies.	
c. 38.	An Act to continue for Five Years an Act of the Second and Third Years of Her present Majesty, for the better Prevention and Punishment of Assaults in Ireland.	
c. 39.	An Act for further continuing, until the First Day of August One thousand eight hundred and fifty, and to the End of the then next Session of Parliament, certain temporary Provisions concerning Ecclesiastical Jurisdiction in England.	
c. 40.	An Act to continue, until the Thirty-first Day of July One thousand eight hundred and fifty, and to the End of the then next Session of Parliament, certain of the Allowances of the Duty of Excise on Soap used in Manufactures.	
c. 42.	An Act to provide for the Execution for One Year of the Office of Sheriff in the County of Westmoreland.	
c. 44.	An Act to apply the Sum of Three Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and forty-nine.	
c. 45. in part.	An Act to amend the Procedure in Courts of General and Quarter Session of the Peace in England and Wales, and for the better Advancement of Justice in Cases within the Jurisdiction of those Courts - Sections Twenty and Twenty-one.	in part; namely,—
c. 46. in part.	An Act to facilitate the Union of Turnpike Trusts - Section Five from "that after" to "Years". Section Seven.	in part; namely,—
c. 47.	An Act to continue certain Acts for regulating Turnpike Roads in Ireland.	
c. 49. in part.	An Act to extend and explain the Provisions of the Acts for the granting of Sites for Schools - Section Eight.	in part; namely,—
c. 51. in part.	An Act for the better Protection of the Property of Pupils, absent Persons, and Persons under Mental Incapacity in Scotland - - - - Section Forty-one.	in part; namely,—
c. 52.	An Act to suspend, until the First Day of October One thousand eight hundred and fifty, the making of Lists and the Ballots and Enrolments for the Militia of the United Kingdom.	
c. 53. in part.	An Act for consolidating and amending several of the Laws relating to Attornies and Solicitors in Ireland Sections One and Ten.	in part; namely,—

12 & 13 Vict.—*cont.*	
c. 54.	An Act to continue until the First Day of October One thousand eight hundred and fifty, and to the End of the then next Session of Parliament, an Act for authorizing the Application of Highway Rates to Turnpike Roads.
c. 56.	*An Act the title of which begins with the words,*—An Act to continue, until the Thirty-first Day of July,—*and ends with the words,*—Private Lunatic Asylums in Ireland.
c. 59. in part.	An Act to amend an Act of the Tenth Year of Her Majesty, for facilitating the Improvement of Landed Property in Ireland - - - - in part; namely,— Sections Five and Seven.
c. 60.	An Act further to amend an Act of the Tenth Year of Her present Majesty, for rendering valid certain Proceedings for the Relief of Distress in Ireland, by Employment of the Labouring Poor, and to indemnify those who have acted in such Proceedings.
c. 61.	*An Act the title of which begins with the words,*—An Act to continue, until the First Day of October,—*and ends with the words,*—rated as such in respect of Stock in Trade or other Property to the Relief of the Poor.
c. 63.	An Act to authorize a further Advance of Money for the Relief of certain distressed Poor Law Unions in Ireland.
c. 64. in part.	An Act to remove Doubts as to the Authority of Justices of the Peace to act in certain Matters relating to the Poor in Cities and Boroughs - in part; namely,— Sections Two and Three.
c. 65. in part.	An Act to provide a more convenient Mode of levying and collecting County Rates, County Police Rates, and District Police Rates in Parishes situated partly within and partly without the Limits of Boroughs which are not liable to such Rates - - - - - - in part; namely,— Sections Six and Seven.
c. 67. in part.	An Act to extend the Remedies of Sequestrators of Ecclesiastical Benefices - - - - in part; namely,— Section Three.
c. 68. in part.	An Act for facilitating the Marriage of British Subjects resident in Foreign Countries - - in part; namely,— Section Twenty-two.
c. 72. in part.	An Act further to amend the Acts relating to the Offices of the House of Commons - - in part; namely,— Section One from "from and after" to "repealed, and". Sections Two and Three. Section Four to "provided,". Section Five to "repealed; and" and the word "thenceforth". Section Seven.
c. 74. in part.	An Act for the further Relief of Trustees - - in part; namely,— Section One from "the East" to "Sea Company,". Section Two.
c. 75.	*An Act the title of which begins with the words,*—An Act to defray until the First Day of August One thousand eight hundred and fifty the Charge of the Pay,—*and ends with the words,*—Militia; and to authorize the Employment of the Non-commissioned Officers.
c. 77.	An Act further to facilitate the Sale and Transfer of Incumbered Estates in Ireland.

12&13 Vict.—*cont.*

c. 78. in part. An Act for the more effectual Taxation of Costs on Private Bills in the House of Lords, and to facilitate the Taxation of other Costs on Private Bills in certain Cases - - - - - } in part; namely,—
Sections One and Sixteen.

c. 82. in part. An Act to relieve Boroughs, in certain Cases, from Contribution to certain Descriptions of County Expenditure - - - - - } in part; namely,—
Section One from "provided that" to "passed;".

c. 87. in part. An Act to continue certain Turnpike Acts in Great Britain for limited Periods, and to make certain Provisions respecting Turnpike Roads in England } in part; namely,—
Sections One and Two.
Section Eight from "except" to "continued,".
The Schedule.

c. 90. in part. An Act to amend the Laws relating to the Customs - in part; namely,—
Section Forty-one.

c. 92. in part. An Act for the more effectual Prevention of Cruelty to Animals - - - - - } in part; namely,—
Section One.
Section Twenty-one from "Provided" to end of that Section.
Sections Twenty-seven and Twenty-eight so far as they relate to plea of general issue and venue, but so far only as relates to Ireland.
Section Thirty-one.

c. 95. in part. An Act to amend the Law concerning Judgments in Ireland - - - - - } in part; namely,—
Sections One and Twelve.

c. 98. An Act to apply a Sum out of the Consolidated Fund, and certain other Sums, to the Service of the Year One thousand eight hundred and forty-nine; and to appropriate the Supplies granted in this Session of Parliament.

c. 101. in part. An Act to amend the Act for the more easy Recovery of Small Debts and Demands in England, and to abolish certain Inferior Courts of Record - - } in part; namely,—
Section One to "shall be repealed; and" and the words "for the like Period".
Section Two to "repealed, and".
Sections Four, Seven to Nine, and Eleven to Fifteen.
Section Sixteen from "and until" to end of that Section.
Section Seventeen to "Case; and".
Section Nineteen.

c. 103. in part. An Act to continue an Act of the last Session of Parliament, for charging the Maintenance of certain poor Persons in Unions upon the Common Fund; and to make certain Amendments in the Laws for the Relief of the Poor - - - } in part; namely,—
Sections One and Two.
Section Three from "under the Act" to "Vagrancy, or".
Section Thirteen, the words "heretofore made," and from "within Twelve Months next after the passing" to "made,".
Section Twenty-three.

c. 104. in part. An Act to amend the Acts for the more effectual Relief of the destitute Poor in Ireland - - - } in part; namely,—
Section Two from "That so much" to "under the said Act; and".
Sections Twelve and Thirty-two.

c. 105. in part. An Act for converting the renewable Leasehold Tenure of Lands in Ireland into a Tenure in Fee - } in part; namely,—
Section Forty-one.

12&13 Vict.-*cont.* c. 109. in part.	An Act to amend an Act to regulate certain Offices in the Petty Bag in the High Court of Chancery, the Practice of the Common-Law Side of that Court, and the Enrolment Office of the said Court - in part; namely,— Sections Fifteen and Sixteen. Section Thirty from "already" to "commenced". Section Thirty-two from "has" to "been or". Section Thirty-nine, the words "now pending or". Sections Forty-two to Forty-four and Fifty-two. The following Sections and parts of Sections from the commencement of the "Supreme Court of Judicature Act, 1873."; namely,— Sections Twenty-four and Twenty-five. Section Twenty-six from "whether" to end of that Section. Section Twenty-seven from "whether the same" to "Common Law,", from "whether such Day" to "or in Vacation," and from "and every" to "a Day in Term-Time:". Section Twenty-eight from "whether" to end of that Section. Section Thirty-two from "and it shall and" to end of that Section. Section Thirty-three from "and a Transcript" to end of that Section. Sections Thirty-four to Thirty-seven and Forty-eight.
13 & 14 Vict. c. 1.	An Act to amend an Act of the last Session, for making Provision for the Collection of County Cess in Ireland, and for the Remuneration of the Collectors thereof.
c. 3.	An Act to apply the Sum of Eight Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and fifty.
c. 4. in part.	An Act for requiring the Transmission of annual Abstracts of Accounts and Statements of Trustees or Commissioners of Turnpike Roads and Bridges in Ireland to the Lord Lieutenant to be laid before Parliament - - - - - in part; namely,— Section Six. The rest of this Act so far as it relates to turnpike roads.
c. 5.	An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.
c. 6.	An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore.
c. 7. in part.	An Act for consolidating the Office of the Registrar of Metropolitan Public Carriages with the Office of Commissioners of Police of the Metropolis, and making other Provisions in regard to the consolidated Offices - - - - - in part; namely,— Section One. Section Five from "and except as" to end of that Section. Sections Nine and Ten.
c. 9.	An Act to repeal the Duties and Drawbacks of Excise on Bricks.
c. 10.	An Act for raising the Sum of Nine millions two hundred thousand Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and fifty.
c. 11.	An Act to make better Provision for the Contributions of Unions and Parishes in School Districts to the Common Funds of the respective Districts.
c. 16.	An Act to enable the Judges of the Courts of Common Law at Westminster to alter the Forms of Pleading.
c. 17. in part.	An Act to amend an Act of the last Session of Parliament for granting Relief against Defects in Leases made under Powers of Leasing - - in part; namely,— Sections One and Four.

13&14 Vict.—*cont.*	
c. 18. in part.	An Act for the Regulation of Process and Practice in the Superior Courts of Common Law in Ireland - } in part; namely,— Section Thirty-two to "of the said consolidated Office; and". Section Thirty-five. Section Thirty-six from "and that" to end of that Section. Section Thirty-seven to "think just; and" and from "Provided also" to end of that Section. Sections Forty-nine, Fifty, and Fifty-two. The Schedule.
c. 19.	An Act to explain and amend an Act for the Regulation of Process and Practice in the Superior Courts of Common Law in Ireland.
c. 20. in part.	An Act to amend an Act of the Fifth and Sixth Years of Her present Majesty, for the Appointment and Payment of Parish Constables - - } in part; namely,— Sections Three, Six, and Nine.
c. 22.	An Act for raising the Sum of Eight millions five hundred and fifty-eight thousand seven hundred Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and fifty.
c. 23.	An Act to repeal an Exception in an Act of the Twenty-seventh Year of King Henry the Sixth concerning the Days whereon Fairs and Markets ought not to be kept.
c. 25.	An Act to enable Queen's Counsel and others, not being of the Degree of the Coif, to act as Judges of Assize. Repealed from the commencement of the "Supreme Court of Judicature Act, 1873."
c. 26. in part.	An Act to repeal an Act of the Sixth Year of King George the Fourth, for encouraging the Capture or Destruction of Piratical Ships and Vessels; and to make other Provisions in lieu thereof - - } in part; namely,— Section One. Section Two, the words "or any of the Ships or Vessels of War of the East India Company,", "after the said First Day of June", and from "including" to "Company". Section Four. Section Five, the words "or the Ships or Vessels of War of the East India Company,", from "if such" to "Ships, or their Boats," (where those words first occur), and from "and which" to end of that Section. Section Seven.
c. 27.	*An Act the title of which begins with the words,*—An Act to provide for the Commencement of an Act of the present Session,—*and ends with the words,*—and to make other Provisions in lieu thereof.
c. 28. in part.	An Act to render more simple and effectual the Titles by which Congregations or Societies for Purposes of Religious Worship or Education in England and Ireland hold Property for such Purposes - } in part; namely,— Section Five.
c. 29. in part.	An Act to amend the Laws concerning Judgments in Ireland - - - - - - } in part; namely,— Section Thirteen.
c. 30. in part.	An Act to provide for the Appointment of Sheriff of the County of Westmoreland - - - } in part; namely,— Sections One and Three.
c. 31. in part.	An Act to authorize further Advances of Money for Drainage and the Improvement of Landed Property in the United Kingdom, and to amend the Acts relating to such Advances - - } in part; namely,— Section One so far as it relates to advances for improvement of landed property in Ireland Sections Three and Nine to Fourteen.

13 & 14 Vict.—*cont.* c. 34.	An Act to continue certain Acts for regulating Turnpike Roads in Ireland.
c. 35. in part.	An Act to diminish the Delay and Expense of Proceedings in the High Court of Chancery in England } in part; namely,— Section Fourteen from "Provided always," to "such further Directions;". Section Nineteen from "until" to "Person, or". Section Twenty-six. Section Twenty-nine to "and that". Sections Thirty-five and Thirty-six.
c. 36. in part.	An Act to facilitate Procedure in the Court of Session in Scotland - - - - - } in part; namely,— Sections Two to Four. Section Five from "and such" to end of that Section. Section Six. Section Nine, the words "or Advocation,", "Advocation or", and "Advocation and". Section Twelve. Section Twenty, the words "or of Advocation," (wherever they occur). Section Twenty-one. Section Twenty-three, the word "Advocation,". Section Thirty. Section Thirty-two, the words "Advocation or" (wherever they occur). Section Thirty-three from "and in every Process of Advocation" to "Advocation as aforesaid;" and the words "and of Advocation," and "or Advocation,". Sections Thirty-four and Thirty-eight. Section Forty-nine to "Provided always, that". Section Fifty-two. Section Fifty-four, the words "of Advocation and". Section Fifty-seven. Schedule (B.), the words "or Note of Advocation".
c. 38. in part.	An Act to render valid certain Marriages solemnized in the new Church at Upton cum Chalvey in the County of Buckingham and Diocese of Oxford - } in part; namely,— Section Two.
c. 39. in part.	An Act for the better Government of Convict Prisons - in part; namely,— Sections Three and Five.
c. 43. in part.	An Act to amend the Practice and Proceedings of the Court of Chancery of the County Palatine of Lancaster - - - - - } in part; namely,— Section One so far as it relates to the Vice-Chancellor of the County Palatine of Lancaster and one of the Vice-Chancellors of the High Court of Chancery. Sections Twenty-five and Twenty-six. Section Twenty-seven, the words "in case of the Abolition of the said Clerks in Court,". Section Twenty-nine to "thenceforth". Section Thirty from "in the" to "awarded". Section Thirty-three from "after" to "aforesaid,". Section Thirty-eight.
c. 44.	An Act for taking an Account of the Population of Ireland.
c. 45.	An Act to continue an Act to amend the Laws relating to Loan Societies.
c. 46.	An Act to suspend the making of Lists and the Ballots and Enrolments for the Militia of the United Kingdom.
c. 47.	An Act for further continuing certain temporary Provisions concerning Ecclesiastical Jurisdiction in England.

13&14 Vict.-*cont.*

c. 48. An Act to continue certain Acts relating to Linen, Hempen, and other Manufactures in Ireland.

c. 49. *An Act the title of which begins with the words,*—An Act to defray the Charge of the Pay, Clothing, and contingent and other Expenses,—*and ends with the words,*—and to authorize the Employment of the Non-commissioned Officers.

c. 50. An Act to continue the Exemption of Inhabitants from Liability to be rated as such in respect of Stock in Trade or other Property to the Relief of the Poor.

c. 51. in part. An Act for the Transfer of the Equitable Jurisdiction of the Court of Exchequer to the Court of Chancery in Ireland - - - - } in part; namely,—
Sections Two to Seven, Nine and Ten.
Section Thirteen from "shall on the said First Day of August" to "other Proceedings".
Sections Fifteen, Eighteen, Twenty-two, and Twenty-four to Twenty-seven.
Section Twenty-eight to "repealed, and".
Section Thirty-two.

c. 53. An Act for taking account of the Population of Great Britain.

c. 54. in part. An Act to amend the Acts relating to Labour in Factories - - - - - - } in part; namely,—
Section Nine from "Provided" to end of that Section.

c. 55. An Act to amend an Act of the last Session for amending an Act for the Regulation of Municipal Corporations in Ireland so far as relates to the Borough of Dublin.

c. 57. in part. An Act to prevent the holding of Vestry or other Meetings in Churches, and for regulating the Appointment of Vestry Clerks - - - } in part; namely,—
Section Ten from "elected under an Act passed in the Fifty-ninth" to "Poor, or".
Section Eleven.

c. 58. An Act to continue an Act for authorizing the Application of Highway Rates to Turnpike Roads.

c. 60. in part. An Act to consolidate and amend the Laws relating to the Conveyance and Transfer of Real and Personal Property vested in Mortgagees and Trustees } in part; namely,—
Sections One, Thirty-eight, and Thirty-nine.
Section Forty-one, the words "Motion or" (wherever they occur).
Section Forty-two, the words "Motion or" (wherever they occur), and the words "Certificate or".
Sections Fifty, Fifty-nine, and Sixty.

c. 61. in art. An Act to extend the Act for the more easy Recovery of Small Debts and Demands in England, and to amend the same - - - - } in part; namely,—
Section Four to "repealed; and".
Section Nineteen from "and if any" to end of that Section.
Section Twenty-five.
And from the commencement of the "Supreme Court of Judicature Act, 1873."—
Section Twenty-two, the words "as well in Term Time as in Vacation" (wherever they occur).

c. 63. An Act to provide for the Redemption of an Annuity of Ten thousand Pounds payable to the "Equivalent Company."

13 & 14 Vict.—*cont.* c. 64. in part.	An Act to provide for more effectually maintaining, repairing, improving, and rebuilding Bridges in Cities and Boroughs - - - -	in part; namely,—
	Section Six.	
c. 67. in part.	An Act to reduce the Duty of Excise on Sugar manufactured in the United Kingdom, and to impose a countervailing Duty on Sugar used in the brewing of Beer for Sale; and also to amend the Laws relating to the Licences granted to Brewers and Distillers - - - - - -	in part; namely,—
	Sections One to Five.	
	Section Six from "to retail" to "Behalf, or", and the words "the Premises mentioned in such Licence as last aforesaid, or", and the subsequent words "retail or".	
	Section Seven to "being a Brewer of Beer:".	
	Section Eight.	
c. 68. in part.	An Act to shorten the Duration of Elections in Ireland, and for establishing additional Places for taking the Poll thereat - - - -	in part; namely,—
	Section Two from "Provided" to end of that Section.	
	Section Seventeen to "passed; and that".	
	Sections Twenty-three and Twenty-six.	
c. 69. in part.	An Act to amend the Laws which regulate the Qualification and Registration of Parliamentary Voters in Ireland, and to alter the Law for rating Immediate Lessors of Premises to the Poor Rate in certain Boroughs - - - - -	in part; namely,—
	Section One from "the Ninth" to "succeeding Year)" (where those words next occur), from "on or before the Thirtieth" to "succeeding Year" (where those words next occur), and from "to the Thirty-first" to "succeeding Year)".	
	Section Two from "the Ninth" to "succeeding Year)".	
	Section Five from "the Ninth" to "succeeding Year)" (where those words next occur), from "on or before the Thirtieth" to "succeeding Year)" (where those words next occur), and from "to the Thirty-first" to "succeeding Year)".	
	Section Seven from "to the Ninth" to "succeeding Year)" (where those words next occur), from "on or before the Thirtieth" to "succeeding Year)" (where those words next occur), and from "to the Thirty-first" to "succeeding Year)".	
	Sections Ten and Eleven.	
	Section Twelve from "after" to "fifty-one,".	
	Section Thirteen from "to the Ninth" (where those words first occur) to "succeeding Year)" (where those words next occur) and from "to the Ninth" (where those words next occur) to "succeeding Year)".	
	Section Fourteen from "to the Ninth" (where those words first occur) to "succeeding Year)" (where those words next occur), from "on or before the Thirtieth" to "succeeding Year)" (where those words next occur), from "to the Thirty-first" to "succeeding Year)" (where those words next occur), and from "to the Ninth" (where those words next occur) to "succeeding Year)".	
	Section Fifteen from "on or before the Ninth" to "such Clerk of the Peace shall," and from "after the Year" to "fifty-one,".	
	Section Sixteen, the figures "2, 4, 5, 6", from "on or before the Ninth" to "fifty, and", from "after the Year" to "fifty-one,", from "according to the Form (numbered 2.)" to "Union his Precept," and from "of the Lists" to "Act, or".	
	Sections Seventeen and Eighteen.	
	Section Nineteen from "after" to "fifty-one,".	
	Section Twenty from "after" to "fifty-one,".	

13 & 14 Vict. c. 69. in part—*cont.*

Section Twenty-two to "Effect; and", and the words "after One thousand eight hundred and fifty-one".

Section Twenty-three from "on or before the Thirtieth" to "fifty, and", from "on or before the Twenty-fifth" to "fifty, or" (where those words next occur), from "in each" to "and fifty-one," (where those words next occur), from "on or before the Second" to "fifty, or" and the words "after One thousand eight hundred and fifty-one," (wherever they occur).

Section Twenty-four to "Act, and", and the words "succeeding" and "respective".

Section Twenty-five from "between the Twelfth" to "fifty, and".

Section Twenty-six to "fifty-one, and", the words "after One thousand eight hundred and fifty-one" (wherever they occur), from "on the Ninth" to "fifty), and" (where those words next occur), the words "(as regards each Year after One thousand eight hundred and fifty-one)", from "on or before the Twelfth" to "fifty, and" (where those words next occur), and from "on or before the said Twelfth" to "fifty, and".

Section Twenty-seven from "on or before the Fourteenth" to "fifty, and" and from "after" to "fifty-one".

Section Twenty-eight.

Section Twenty-nine from "on or before the Ninth" to "fifty, and" (where those words next occur), the words "the Year One thousand eight hundred and fifty-two, and", the word "succeeding" (where it next occurs), from "in the Years" to "Five Years," and from "the said alphabetical" to "fifty-one".

Section Thirty from "on or before the Thirteenth" to "fifty, and" (where those words next occur), the words "after One thousand eight hundred and fifty-one,", (where they first occur), from "on or before the Thirtieth" to "fifty, and", from "in each" to "and fifty-one" (where those words next occur), and from "to the Thirty-first" to "succeeding Year,".

Section Thirty-one from "between the Fifth" to "fifty, and" (where those words next occur), the words "after One thousand eight hundred and fifty-one," (wherever they occur), from "the Thirtieth" to "fifty, or", from "on or before the Thirtieth" to "fifty, and", and from "to the Thirty-first" to "succeeding Year,".

Section Thirty-two from "on or before the Tenth" to "fifty, and", the words "after One thousand eight hundred and fifty-one," (wherever they occur), from "shall not" to "September, and" and from "(in the" (where those words next occur) to "fifty-one)".

Section Thirty-three from "on or before the Ninth" to "fifty, and" (where those words next occur), the words "after One thousand eight hundred and fifty-one" (wherever they occur), from "and shall in the Year" to "such City, Town, or Borough:", from "on or before the Thirtieth" to "fifty, or", from "to the Thirty-first" to "succeeding Year)" (where those words next occur), from "to the Ninth" to "succeeding Year)", the word "respective" (where it next occurs), and from "on or before the Twelfth" to "fifty, and".

Section Thirty-four from "on the Ninth" to "fifty-one), or", from "(as regards" (where those words next occur) to "and fifty-one)," (where those words next occur), from "on or before the Twenty-fifth" to "fifty, and" (where those words next occur), the words "after One thousand eight hundred and fifty-one" (wherever they occur), and from "on or before the Second" to "fifty, and".

Section Thirty-five from "between the Fifteenth" to "fifty, and" and from "after" to "fifty-one,".

Section Thirty-six from "on the Ninth" to "fifty-one), or", the words "(as regards each Year after One thousand eight hundred and fifty-one),", from "on or before the Twelfth" to "fifty, and" (where those words next occur), the words "after One thousand eight

13 & 14 Vict. c. 69. in part—*cont.*

hundred and fifty-one," (wherever they occur), and from "on or before the said Twelfth" to "fifty, and".

Section Thirty-seven from "on or before the Fourteenth" to "fifty, and" and from "after" to "fifty-one,".

Section Thirty-eight from "on or before the Seventeenth" to "fifty, and", the words "after One thousand eight hundred and fifty-one," (where they next occur), and from "(in the" (where those words next occur) to "fifty-one)".

Section Forty-three from "the List" to "fifty-one," and the words "List of registered Voters or".

Section Forty-four from "in the Year" to "December, and", the words "after One thousand eight hundred and fifty-one" (wherever they occur), and from "as soon as possible" (where those words secondly occur) to "fifty, and".

Section Forty-five.

Section Forty-six from "between the First" to "fifty-one, and" and the word "succeeding".

Section Forty-seven from "between the First" to "fifty-one, and" and the word "succeeding".

Section Forty-eight from "and shall also" to "recited Act,", the word "succeeding", from "between the Ninth" to "fifty-one), and" and from "(as regards" (where those words next occur) to "fifty-one),".

Section Forty-nine from "shall in the" to "Act, and" and the word "succeeding".

Section Fifty-two from "on the Ninth" to "fifty-one), or" and the words "(as regards each succeeding Year)".

Section Fifty-three from "on the Ninth" to "fifty-one), or" and the words "(as regards each succeeding Year)".

Section Fifty-five from "or if the Date" to "specified,", from "on the Ninth" (where those words first occur) to "fifty-one), or" (where those words next occur), the words "(as regards each succeeding Year)" (wherever they occur), from "Provided also, that every" to "expire:", from "on the Ninth" (where those words next occur) to "fifty-one), or" (where those words next occur), and from "on the said Ninth" to "fifty-one), or".

Section Fifty-six from "after the Fourteenth" to "Year), or", the word "succeeding" and the words "and Dates of Registry".

Section Sixty-three from "shall, as regards the first" to "Act" (where that word last occurs).

Section Sixty-four from "shall, as regards the first" to "subsequent Register,".

Section Sixty-five from "shall, as regards the first" to "under this Act)".

Section Seventy-five from "within" to "Year), and" and the words "(as regards any subsequent Year),".

Section Seventy-six from "of the said Easter" to "and also" and from "in every" to "fifty-one".

Section Eighty-eight from "holden" to "fifty-one,".

Section Ninety from "holden" to "fifty-one".

Section Ninety-eight from "at any Election" (where those words first occur) to "and fifty-one" (where those words last occur).

Section One hundred and four from "after" to "fifty-one,".

Section One hundred and nine from "during the Thirtieth" to "and fifty-one" (where those words next occur), the word "such" (where it next occurs), from "during the like" to "and fifty-one)" (where those words next occur), from the "Thirtieth" (where those words next occur) to "fifty, or", and the subsequent words "after One thousand eight hundred and fifty-one,".

Section One hundred and eleven from "the Ninth" to "fifty-one), or" and from "(as regards each" to "fifty-one),".

Section One hundred and twenty.

13&14 Vict. c. 69. in part—*cont.*	Schedule (A.) Forms, No. 1. and the Note thereto, No. 2. and the Note thereto, No. 3. the words "in every Year after the Year 1851", No. 4., No. 5., No. 6. and the foot-note thereto, No. 7. and the Note at end, No. 8. the words "in all Years after 1851", No. 9. the words "in all Years after 1851", No. 10. the fourth column, No. 11. the words "(if registered under 2 & 3 Will. 4. c. 88. it must be so stated)", No. 13. the words "(if registered under 2 & 3 Will. 4. c. 88. so state)", No. 14. the last column and the Notes at end, and No. 15. the words "[To be used in all Years after 1851.]". Schedule (B.) Forms, No. 1. and the Note at end, No. 2. and the Note at end, No. 3. and the Note at end, No. 4. the marginal note with the reference to it and the paragraph in brackets and the foot-note thereon with the reference to it, No. 5. the marginal note with the reference to it, No. 6. the marginal note with the reference to it, No. 7. the fifth column, the marginal note with the reference to it and the Note at end, No. 8. the fifth column and the Note at end, No. 9. the third column and the Note at end, No. 10. from "[and that I claim" to "in the Year].", No. 11. the fifth column, No. 12. the fourth column, No. 13. the third column, No. 14. the Note at end from "and if the Person", No. 15. Note at end from "and if the Person", No. 16. the words "(if registered under 2 & 3 Will. 4. c. 88. so state).", No. 17. the words "(if registered under 2 & 3 Will. 4. c. 88. so state)." and No. 18. the second column.
c. 71.	*An Act the title of which begins with the words,*—An Act to continue an Act of the Eleventh and Twelfth Years,—*and ends with the words,*—contagious or infectious Disorders among Sheep, Cattle, and other Animals.
c. 72. in part.	An Act to amend the Laws for the Registration of Assurances of Lands in Ireland - - - } in part; namely,— Section Sixty-five.
c. 73. in part.	An Act to amend the Law relating to Proceedings by Process of Attachment of Goods in the Borough and other Courts of Record in Ireland - - } in part; namely,— Sections One, Eleven, Thirteen, and Fourteen.
c. 74. in part.	An Act for the better Regulation of the Office of Registrar of Judgments in Ireland - - } in part; namely,— Sections Seven and Thirteen.
c. 75. in part.	An Act to regulate the Receipt and Amount of Fees receivable by certain Officers in the Court of Common Pleas - - - - - } in part; namely,— Section Five.
c. 79. in part.	An Act to continue certain Turnpike Acts in Great Britain, and to make further Provisions respecting Turnpike Roads in England - - - } in part; namely,— Sections One, Two, and Six. Section Nine from "except" to "continued". The Schedule.
c. 80.	*An Act the title of which begins with the words,*—An Act to repeal Part of an Act of the Fifteenth Year of King George the Third,—*and ends with the words,*—said Fisheries to the Ports thereof at the End of the Fishing Season.
c. 82. in part.	An Act to extend the Remedies for the Collection of Grand Jury Cess in Ireland - - - } in part; namely,— Section Three.
c. 83. in part.	An Act to facilitate the Abandonment of Railways, and the Dissolution of Railway Companies, in certain Cases - - - - - } in part; namely,— Section Thirty-five from "any Action or Suit or other" to "Suit, nor". Section Forty.

13 & 14 Vict.—*cont.*		
c. 85. in part.	An Act to provide for holding the Assizes of certain Counties of Cities and Towns in Ireland in the Assize Towns of the adjoining Counties at large in certain Cases; and to make Provision as to Gaols in case of the Change of Assize Towns - -	in part; namely,— Section Six.
c. 87.	An Act for Payment of a Moiety of certain Penalties towards Police Superannuation Funds.	
c. 88. in part.	An Act to amend the Law relating to Engines used in the Rivers and on the Sea Coasts of Ireland for the taking of Fish - - - -	in part; namely,— Section Fifty-seven.
c. 89. in part.	An Act to regulate the Proceedings in the High Court of Chancery in Ireland - - - -	in part; namely,— Section Thirty-six from "and shall be charged" to "such quarterly Day;". Section Thirty-seven from "and the said Secretary" to end of that Section. Section Forty. Section Forty-one, the words "or any Three or more of them," (wherever they occur), and from "and all such" to "Purpose:". The Schedule.
c. 91. in part.	An Act to authorize Justices of any Borough having a separate Gaol to commit Assize Prisoners to such Gaol, and to extend the Jurisdiction of Borough Justices to all Offences and Matters arising within the Borough for which they act - - -	in part; namely,— Section One from "and whenever" to "situated;". Section Twelve.
c. 92. in part.	An Act for the more effectual Prevention of Cruelty to Animals in Scotland - - - -	in part; namely,— Section Thirteen.
c. 94. in part.	An Act to amend the Acts relating to the Ecclesiastical Commissioners for England - - -	in part; namely,— Section Five to "repealed; and". Section Seven from "within" to "again". Section Thirteen to "repealed, and". Sections Sixteen and Eighteen. Section Twenty-two from "and there shall" to end of that Section. Section Twenty-seven from "as to any" to "existing," and from "at any" to "Act, and". Section Twenty-nine.
c. 98. in part.	An Act to amend the Law relating to the holding of Benefices in Plurality - - - -	in part; namely,— Sections Nine and Fourteen.
c. 99.	An Act for the better assessing and collecting the Poor Rates and Highway Rates in respect of Small Tenements.	
c. 101. in part.	*An Act the title of which begins with the words,*—An Act to continue Two Acts passed in the Twelfth and Thirteenth Years,—*and ends with the words,*—Relief of the Poor - - - - -	in part; namely,— Section One, the word "temporary", and from "shall continue" to "Parliament, and", and the words "and of Tunstead and Happing,". Section Thirteen.
c. 104. in part.	An Act to extend and amend the Acts relating to the Copyright of Designs - - - -	in part; namely,— Section Sixteen so far as it relates to the Act of the Thirty-eighth Year of King George the Third therein mentioned.

13 & 14 Vict.—*cont.*	
c. 105. in part.	An Act for facilitating the Union of Liberties with the Counties in which they are situate - - } in part; namely,— Section Twelve.
c. 106.	An Act to continue, for a Time to be limited, an Act of the Eleventh Year of Her present Majesty, for the better Prevention of Crime and Outrage in certain Parts of Ireland.
c. 107.	An Act to apply a Sum out of the Consolidated Fund, and certain other Sums, to the Service of the Year One thousand eight hundred and fifty; and to appropriate the Supplies granted in this Session of Parliament.
c. 110.	An Act to continue the Act for amending the Laws relating to Savings Banks in Ireland.
c. 113.	An Act to authorize the Transfer of Loans for the Improvement of Land in Ireland to other Land.
c. 114. in part.	An Act to repeal the Stamp Duties on Proceedings in the Courts of Law in Ireland, and to grant certain other Stamp Duties in lieu thereof - - } in part; namely,— Section One from "from and after" to "lieu thereof".
14 & 15 Vict. c. 3.	An Act to apply the Sum of Eight Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and fifty-one.
c. 4.	An Act to enable Her Majesty to appoint a Vice Chancellor in the Room of Sir James Wigram, resigned.
c. 5.	An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore.
c. 6.	An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.
c. 8.	An Act to extend the Provisions of the Designs Act, 1850, and to give Protection from Piracy to Persons exhibiting new Inventions in the Exhibition of the Works of Industry of all Nations in One thousand eight hundred and fifty-one.
c. 9.	An Act for raising the Sum of Seventeen millions seven hundred and fifty-six thousand six hundred Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and fifty-one.
c. 12. in part.	An Act to continue the Duties on Profits arising from Property, Professions, Trades, and Offices, and to amend the Act imposing the same - } in part; namely,— Sections One and Two.
c. 17.	An Act further to explain and amend an Act for the Regulation of Process and Practice in the Superior Courts of Common Law in Ireland.
c. 18.	An Act to continue the Stamp Duties granted by an Act of the Fifth and Sixth Years of Her present Majesty to assimilate the Stamp Duties in Great Britain and Ireland, and to make Regulations for collecting and managing the same.
c. 19. in part.	An Act for the better Prevention of Offences - in part; namely,— Sections Ten and Fifteen.
c 21. in part.	*An Act the title of which begins with the words,*—An Act to amend an Act of the Sixth and Seventh Years,—*and ends with the words,*—Bridges, and Tolls to be paid for passing the same, in certain Cases - - - - - - } in part; namely,— Section Five.
c. 22.	An Act to continue the Survey of Great Britain, Berwick-upon-Tweed, and the Isle of Man.
c. 26. in part.	An Act to amend the Acts relating to the British White Herring Fishery - - - - } in part; namely,— Section One. Section Four to "repealed; and".

14 & 15 Vict.—*cont.*	
c. 28. in part.	An Act for the well-ordering of Common Lodging Houses - - - - - - } in part; namely,— Sections Three and Four so far as they relate to Ireland. Sections Six and Eight. The Schedule.
c. 29.	An Act for further continuing certain temporary Provisions concerning Ecclesiastical Jurisdiction in England.
c. 30.	An Act to continue an Act for authorizing the Application of Highway Rates to Turnpike Roads.
c. 31.	An Act to continue an Act to amend the Laws relating to Loan Societies.
c. 32.	An Act to suspend the making of Lists and the Ballots and Enrolments for the Militia of the United Kingdom.
c. 34. in part.	An Act to encourage the Establishment of Lodging Houses for the Labouring Classes - - } in part; namely,— Section Three from "elected under an Act passed in the Fifty-ninth" to "Poor, or". Section Four. Section Five to "Majesty; and". Section Thirty-one, the words "and also with the Approval of the General Board of Health," (wherever they occur). Section Thirty-two. Sections Thirty-five, Thirty-eight, Forty-two, and Forty-three, so far as they relate to the approval of the General Board of Health.
c. 36. in part.	An Act to repeal the Duties payable on Dwelling Houses according to the Number of Windows or Lights, and to grant in lieu thereof other Duties on Inhabited Houses according to their annual Value } in part; namely,— Section One to "Scotland," and from "and which" to "repealed,". Sections Four to Six.
c. 37.	An Act to continue certain Turnpike Acts in Great Britain.
c. 39.	An Act to exempt Burgesses and Freemen in certain Cases from the Operation of an Act for the better assessing and collecting the Poor Rates and Highway Rates in respect of Small Tenements.
c. 40.	An Act for Marriages in India. Repealed as to all Her Majesty's Dominions.
c. 41. in part.	An Act to regulate the Salaries of the Chief Justice of the Court of Queen's Bench and the Chief Justice of the Court of Common Pleas - - } in part; namely,— All words within parentheses.
c. 42. in part.	An Act to make better Provision for the Management of the Woods, Forests, and Land Revenues of the Crown, and for the Direction of Public Works and Buildings - - - - } in part; namely,— Section Four to "repealed, and". Section Six to "repealed; and". Section Nine. Section Ten to "repealed; and". Sections Eighteen and Nineteen. Section Twenty from "and no" to end of that Section. Section Twenty-two, the words "The Phœnix Park,". Section Twenty-four. Section Twenty-eight to "Public Buildings, and" and from "and all Government" to end of that Section. Sections Twenty-nine to Thirty-one, and Forty-one.
c. 44.	An Act to continue certain Acts for regulating Turnpike Roads in Ireland.

14 & 15 Vict.—*cont.*

c. 45. An Act to continue an Act of the Fifth and Sixth Years of Her present Majesty for amending the Law relative to Private Lunatic Asylums in Ireland.

c. 47. An Act to continue the Exemption of Inhabitants from Liability to be rated as such in respect of Stock in Trade or other Property to the Relief of the Poor.

c. 48. *An Act the title of which begins with the words,*—An Act to continue an Act of the Second and Third Years,—*and ends with the words,*—unlawful Oaths in Ireland, as the same is amended by an Act of the Eleventh and Twelfth Years of Her Majesty's Reign.

c. 49. in part. An Act to repeal an Act of the Eleventh and Twelfth Years of Her present Majesty, for making preliminary Inquiries in certain Cases of Applications for Local Acts, and to make other Provisions in lieu thereof - - - - - - - in part; namely,—
Section One.

c. 50. in part. An Act to amend the Public Health Act, and an Act of the Third and Fourth Years of King William the Fourth, in respect of the Assessment of Tithe and Tithe Rentcharges for certain Rates - - in part; namely,—
From "and under" to end.

c. 51. An Act to authorize for a further Period the Application of Money for the Purposes of Loans for carrying on Public Works in Ireland.

c. 55. in part. An Act to amend the Law relating to the Expenses of Prosecutions, and to make further Provision for the Apprehension and Trial of Offenders, in certain cases - - - - - in part; namely,—
Sections One, Three, Four, and Seventeen.
Section Nineteen from "and whenever" to "Common Gaol of such adjoining County;".
Section Twenty from "and the Keeper" to "Gaol of such County;".
Section Twenty-one from "without" to "Purpose,".
Section Twenty-two.

c. 56. in part. An Act to sanction the Service by Post of Notices relative to the Proceedings of certain charitable Institutions, and to make further Provision as to the Service of such Notices in future - - in part; namely,—
Section One.

c. 57. in part. An Act to consolidate and amend the Laws relating to Civil Bills and the Courts of Quarter Sessions in Ireland, and to transfer to the Assistant Barristers certain Jurisdiction as to Insolvent Debtors - in part; namely,—
Section One.
Section Two to "has held the same; and".
Sections Five and Forty-seven.
Section Ninety-eight from "nor shall" to end of that Section.
Sections One hundred and fifteen, One hundred and twenty, One hundred and twenty-two to One hundred and twenty-four, One hundred and forty-three, One hundred and forty-nine, One hundred and fifty-six, and One hundred and sixty.
Section One hundred and sixty-one to "mentioned:" and the words "and to be remunerated in like Manner,".
Schedule A.
Schedule B. from "Henry Kemmis" to "£900 per Annum.", from "The present" to "£1,600 per Annum.", and from "The present" (where those words next occur) to "£1,200 per Annum.".
The rest of this Act so far as it relates to the Chairman of the Sessions of the Peace for the county of Dublin.
And from the 1st day of August 1877,—
Sections One hundred and sixteen and One hundred and seventeen.

14 & 15 Vict.—*cont.*		
c. 58.	*An Act the title of which begins with the words,*—An Act to defray the Charge of the Pay,—*and ends with the words,*—Militia; and to authorize the Employment of the Non-commissioned Officers.	
c. 59.	An Act to continue certain of the Allowances of the Duty of Excise on Soap used in Manufactures.	
c. 64. in part.	An Act to repeal the Act for constituting Commissioners of Railways - - - -	in part; namely,—
	Section One to "repealed, and", and from "and all Proceedings" to end of that Section. Section Three from "after" to "October,".	
c. 65. in part.	*An Act the title of which begins with the words,*—An Act to continue certain temporary Provisions,—*and ends with the words,*—Grand Jury Cess and other Purposes - - - - -	in part; namely,—
	Sections One and Three.	
c. 67. in part.	*An Act the title of which begins with the words,*—An Act to repeal so much of an Act of the Twelfth Year,—*and ends with the words,*—temporary Provisions with regard to the said Magazines and Stores - - - - - -	in part; namely,—
	Sections One and Two. Section Three from "and subject to such" to end of that Section. Sections Seven to Eleven.	
c. 68. in part.	An Act to provide for the better Distribution, Support, and Management of Medical Charities in Ireland; and to amend an Act of the Eleventh Year of Her Majesty, to provide for the Execution of the Laws for the Relief of the Poor in Ireland -	in part; namely,—
	Section Six to "may appear necessary; and". Sections Thirteen, Fourteen, and Twenty-two.	
c. 69.	An Act to continue an Act of the Twelfth Year of Her present Majesty, to prevent the spreading of contagious or infectious Disorders among Sheep, Cattle, and other Animals.	
c. 70. in part.	An Act to alter and amend certain Provisions of the Lands Clauses Consolidation Act, 1845, so far as relates to Ireland - - - - -	in part; namely,—
	Section Thirty-two.	
c. 71.	An Act to repeal certain Statutes relating to the Irish Branch of the United Church of England and Ireland.	
c. 75.	An Act to amend and continue the Metropolitan Sewers Acts.	
c. 77. in part.	An Act to alter and extend the Powers of an Act of the Ninth and Tenth Years of Her Majesty's Reign, intituled An Act to empower the Commissioners of Her Majesty's Woods to form a Royal Park in Battersea Fields in the County of Surrey	in part; namely,—
	Section Fourteen.	
c. 78.	An Act to continue and amend an Act for establishing an Office for the Benefit of the Coalwhippers of the Port of London.	
c. 82. in part.	An Act to simplify the Forms of Appointments to certain Offices, and the Manner of passing Grants under the Great Seal - - - -	in part; namely,—
	Sections One, Three, Four, and Ten.	
c. 83. in part.	An Act to improve the Administration of Justice in the Court of Chancery and in the Judicial Committee of the Privy Council - - -	in part; namely,—
	Sections Four and Eleven.	

14 & 15 Vict. c. 83. in part—*cont.*	Section Twelve from "shall fix" to "generally", and the words "dividing and". Section Sixteen to "repealed; and". Section Seventeen to "make up the net yearly Sum of Ten thousand Pounds; and", and from "on or before" to "fifty-one, and". Section Eighteen to "Chapter Forty-six," and from "out" to "Act,". Section Twenty from "and such Annuity shall be issued" to "thereupon;". Section Twenty-two from "Fund placed" to "or the other", and from "and also, so long" to end of that Section. Section Twenty-three from "the said" to "Fund, or", the word "other", and from "and on" to "Manner". And from the commencement of the "Supreme Court of Judicature Act, 1873."— Sections One, Five, Six, Eight, Nine, Thirteen, and Fourteen. And from the commencement of Section Twenty of the "Supreme Court of Judicature Act, 1873."— Section Ten.
c. 85. in part.	An Act further to amend an Act of the Sixth Year of King William the Fourth, to consolidate and amend the Laws relating to the Constabulary Force in Ireland - - - - - } in part; namely,— Section One to "Fund:". Section Four to "repealed; and", and from "Provided also" to end of that Section.
c. 88. in part.	An Act for amending the several Acts for the Regulation of Attornies and Solicitors - - - - - } :— Except Section Four.
c. 90. in part.	An Act for the better Collection of Fines, Penalties, Issues, Amerciaments, and forfeited Recognizances in Ireland - - - - - } in part; namely,— Sections Nineteen and Twenty-one.
c. 92. in part.	An Act to consolidate and amend the Acts relating to certain Offences and other Matters as to which Justices of the Peace exercise Summary Jurisdiction in Ireland - - - - } in part; namely,— Section Nine, Clause Six, the words "or Turnpike Gate," (wherever they occur). Sections Twenty-six and Twenty-seven.
c. 93. in part.	An Act to consolidate and amend the Acts regulating the Proceedings at Petty Sessions, and the Duties of Justices of the Peace out of Quarter Sessions, in Ireland - - - - } in part; namely,— Sections Forty-three and Forty-six.
c. 97. in part.	An Act to amend the Church Building Acts - in part; namely,— Section Fourteen from "provided" to end of that Section. Section Nineteen from "and the vesting" to "Act,". Section Twenty-three. Section Twenty-five from "and the Minister" to "reason thereof;".
c. 99. in part.	An Act to amend the Law of Evidence - - in part; namely,— Sections One, Twelve, and Twenty as to all Her Majesty's Dominions. Sections Eleven and Nineteen so far as they relate to British India.
c. 100. in part.	An Act for further improving the Administration of Criminal Justice - - - - } in part; namely,— Sections Ten, Twenty-six, and Thirty-one.

14 & 15 Vict.—*cont.* c. 101.	An Act to apply a Sum out of the Consolidated Fund, and certain other Sums, to the Service of the Year One thousand eight hundred and fifty-one; and to appropriate the Supplies granted in this Session of Parliament.
c. 102. in part.	An Act to amend the Acts relating to the Merchant Seamen's Fund, and to provide for winding up the said Fund, and for the better Management thereof in the meantime - - - - } in part; namely,— Section Three. Section Four from "and the Two" to "Execution of this Act;". Section Fifteen. Section Twenty from "but any" to end of that Section. Sections Twenty-three, Thirty-nine, and Forty. Section Forty-five to "United Kingdom; and". Section Fifty from "and the said President" to end of that Section. Section Fifty-nine from "after" to "fifty-two".
c. 105. in part.	An Act to continue an Act of the Fourteenth Year of Her Majesty for charging the Maintenance of certain poor Persons in Unions in England and Wales upon the Common Fund; and to make certain Amendments in the Laws for the Relief of the Poor - - - - - } in part; namely,— Section One. Section Six from "any Part" to "Building" (where that word next occurs). The Schedule.
c. 106.	An Act for appointing Commissioners to inquire into the Existence of Bribery in the Borough of St. Alban.
15 & 16 Vict. c. 1.	An Act to apply the Sum of Eight Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and fifty-two.
c. 3. in part.	An Act to provide for the Administration of Personal Estates of Intestates and others to which Her Majesty may be entitled in right of Her Prerogative or in right of Her Duchy of Lancaster - - } in part; namely,— Section Two.
c. 5. in part.	An Act further to explain and amend the Acts for the Regulation of Municipal Corporations in England and Wales, and in Ireland - - } in part; namely,— Section One, the words "to have had or", "having had or", and "may have been or". Sections Two to Five. Section Six, the words "to have been or", "having had or", "may have been or", "to have been and", and from "(unless" to "Act)".
c. 6.	An Act for extending the Term of the provisional Registration of Inventions under "The Protection of Inventions Act, 1851."
c. 7.	An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.
c. 8.	An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore.
c. 9.	An Act to disfranchise the Borough of Saint Alban.
c. 10.	An Act for raising the Sum of Seventeen millions seven hundred and forty-two thousand eight hundred Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and fifty-two.
c. 11.	An Act to continue an Act of the Twelfth Year of Her present Majesty, to prevent the spreading of contagious or infectious Disorders among Sheep, Cattle, and other Animals.

15&16 Vict.—*cont.*		
c. 12. in part.	An Act to enable Her Majesty to carry into effect a Convention with France on the Subject of Copyright; to extend and explain the International Copyright Acts; and to explain the Acts relating to Copyright in Engravings - - -	in part; namely,— Sections Twelve and Thirteen.
c. 13.	An Act to amend and continue certain Acts relating to Linen, Hempen, and other Manufactures in Ireland.	
c. 14.	An Act to continue an Act of the Fifteenth Year of Her present Majesty, for charging the Maintenance of certain poor Persons in Unions in England and Wales upon the Common Fund.	
c. 15.	An Act to continue an Act to amend the Laws relating to Loan Societies.	
c. 17.	An Act for further continuing certain temporary Provisions concerning Ecclesiastical Jurisdiction in England.	
c. 18.	An Act to continue the Exemption of Inhabitants from Liability to be rated as such in respect of Stock in Trade or other Property to the Relief of the Poor.	
c. 19.	An Act to continue an Act for authorizing the Application of Highway Rates to Turnpike Roads.	
c. 20.	An Act to continue the Duties on Profits arising from Property, Professions, Trades, and Offices.	
c. 21.	An Act to continue the Stamp Duties granted by an Act of the Fifth and Sixth Years of Her present Majesty, to assimilate the Stamp Duties in Great Britain and Ireland, and to make Regulations for collecting and managing the same.	
c. 22.	An Act to continue certain Acts for regulating Turnpike Roads in Ireland.	
c. 26. in part.	An Act to enable Her Majesty to carry into effect Arrangements made with Foreign Powers for the Apprehension of Seamen who desert from their Ships - - - - - -	in part; namely,— Section One from "or the" to "Company,". Section Two from "or in" to "Company". Repealed as to all Her Majesty's Dominions.
c. 32. in part.	An Act to alter and amend certain Provisions in the Laws relating to the Number and Election of Magistrates and Councillors in the Burghs in Scotland - - - - - -	in part; namely,— Sections Seven to Nine.
c. 37.	An Act to continue the Poor Law Commission for Ireland.	
c. 47.	An Act to enable Her Majesty to abolish otherwise than by Treaty, on Condition of Reciprocity, Differential Duties on Foreign Ships.	
c. 51. in part.	An Act to extend the Provisions of the Acts for the Commutation of Manorial Rights, and for the gradual Enfranchisement of Lands of Copyhold and Customary Tenure - - - -	in part; namely,— The Schedule, No. 1.
c. 54. in part.	An Act further to facilitate and arrange Proceedings in the County Courts - - - -	in part; namely,— Section Two to "repealed; and" and from "now" to "hereafter". Section Ten to "repealed; and". Sections Eleven to Fourteen. Section Sixteen to "Act". Sections Seventeen and Nineteen.
c. 55. in part.	An Act to extend the Provisions of "The Trustee Act, 1850." - - - - -	in part; namely,— Section Two to "repealed; and".

15 & 16 Vict.—*cont.*

c. 56. in part. An Act for regulating the Qualifications of Pharmaceutical Chemists - - - - - } in part; namely,—
Section Two from "Provided also" to end of that Section.
Section Three.
Section Four from "within" to "passing of this Act,".

c. 57. in part. An Act to provide for more effectual Inquiry into the Existence of corrupt Practices at Elections for Members to serve in Parliament - - - } in part; namely,—
Section Fifteen from "which said Payments" to end of that Section.
Repealed so long as 31 & 32 Vict. c. 125. s. 15. and 32 & 33 Vict. c. 21. continue in force.

c. 58. An Act to continue certain Turnpike Acts in Great Britain.

c. 59. An Act to continue the Poor Law Board.

c. 60. An Act to continue an Act of the Twelfth Year of Her present Majesty for amending the Laws relating to Savings Banks in Ireland.

c. 63. in part. An Act to amend the Laws relating to the Valuation of rateable Property in Ireland - - - } in part; namely,—
Sections One to Nine and Twenty-five.
Section Twenty-six from "Provided always" to end of that Section.
Section Twenty-seven from "Provided" to end of that Section.
Section Thirty-four from "Provided always," to end of that Section.
Section Forty-six.
The Forms annexed to this Act.

c. 64. An Act to continue and amend the Metropolitan Sewers Act.

c. 66. An Act to continue an Act of the Eleventh Year of Her present Majesty, for the better Prevention of Crime and Outrage in certain Parts of Ireland.

c. 67. An Act to continue the Powers of applying for a Sale of Lands under the Act for facilitating the Sale and Transfer of Incumbered Estates in Ireland.

c. 68. An Act for the Application of certain Money accrued from Fines and Forfeitures in Ireland in aid of certain distressed Unions and Electoral Divisions in that Country.

c. 73. in part. *An Act the title of which begins with the words,*—An Act to make Provision for a permanent Establishment of Officers to perform the Duties at Nisi Prius,—*and ends with the words,*—Offices in those Courts - - - - - - } in part; namely,—
Section One to "abolished; and".
Section Two from "and the Officers" to end of that Section.
Section Seven, the words "to the Marshal of the Senior Judge".
Section Ten from "provided" to end of that Section.
Section Eleven from "Provided" to end of that Section.
Sections Sixteen to Eighteen.
Section Thirty from "shall, as the" to "aforesaid, or" and the word "otherwise".
Section Thirty-one to "abolished; and".
Section Thirty-two from "from and" to "of Messengers of the Court of Exchequer,".
Schedule (C.)
And from the commencement of the "Supreme Court of Judicature Act, 1873,"—
Section Eight.

c. 74. *An Act the title of which begins with the words,*—An Act to defray the Charge of the Pay,—*and ends with the words,*—Militia; and to authorize the Employment of the Non-commissioned Officers.

15&16 Vict.—*cont.*

c. 75. An Act to suspend the making of Lists and the Ballots and Enrolments for the Militia of the United Kingdom.

c. 76. in part. An Act to amend the Process, Practice, and Mode of Pleading in the Superior Courts of Common Law at Westminster, and in the Superior Courts of the Counties Palatine of Lancaster and Durham - } in part; namely,—

Sections One, Ten, Twenty-four, Twenty-six, Ninety-two, One hundred, and One hundred and four.

Section One hundred and forty-two, the words "or Insolvency".

Section Two hundred and thirty from "except" to "Pleading,".

Section Two hundred and thirty-four.

And from the commencement of the "Supreme Court of Judicature Act, 1873,"—

Sections Two hundred and twenty-three, Two hundred and thirty-one, and Two hundred and thirty-three.

c. 80. in part. An Act to abolish the Office of Master in Ordinary of the High Court of Chancery, and to make Provision for the more speedy and efficient Despatch of Business in the said Court - - - } in part; namely,—

Sections One to Four and Seven to Ten.

Section Eleven to "and fifty-two".

Section Seventeen from "have been Chief" to "Court, or", and from "Provided" to end of that Section.

Section Twenty-four.

Section Twenty-six, the words "or Claims".

Section Twenty-nine to "and fifty-two".

Sections Thirty-five, Thirty-seven, and Thirty-nine.

Section Forty to "and fifty-two".

Section Forty-four from "and to every" to "fifty Pounds;", from "and to direct" to "Three hundred Pounds:", from "to any such" to "either Case," the words "or Junior Clerk", and from "Provided also" to end of that Section.

Section Forty-five from "to be paid and" to end of that Section.

Section Forty-seven.

Section Fifty-five from "and paid" to "Manner,".

Section Fifty-seven from "and such Salary" to end of that Section.

Section Fifty-eight.

And from the commencement of the "Supreme Court of Judicature Act, 1873."—

Section Fifty-two, and

Section Fifty-three, so far as it in any manner applies any repealed part of 5 Vict. c. 5.

c. 81. in part. An Act to consolidate and amend the Statutes relating to the Assessment and Collection of County Rates in England and Wales - - - } in part; namely,—

Section One.

Section Fifty-two from "or under an Act" to "Employment of the Poor,"".

c. 82. An Act to apply a Sum out of the Consolidated Fund, and certain other Sums, to the Service of the Year One thousand eight hundred and fifty-two, and to appropriate the Supplies granted in this Session of Parliament.

c. 84. in part. An Act to make better Provision respecting the Supply of Water to the Metropolis - - } in part; namely,—

Section One to "and fifty-five", the words "except the Governor and Company of Chelsea Waterworks,", and from "and from and" to end of that Section.

Section Two to "and fifty-five".

Section Three to "and fifty-five,".

Section Four to "and fifty-five,".

15 & 16 Vict. c. 84. in part—*cont.*	Section Twenty-six, the words "with the Approval of the Board of Trade,".
c. 85. in part.	An Act to amend the Laws concerning the Burial of the Dead in the Metropolis - - - } in part; namely,— Section One. Section Two from "or where" to "Seven Days". Sections Twelve and Forty-seven. Section Fifty-two from "elected under an Act of the" to "Poor," or".
c. 86. in part.	An Act to amend the Practice and Course of Proceeding in the High Court of Chancery - - } in part; namely,— Section One to "discontinued; and". Section Two. Section Seventeen to "Provided always, that". Section Twenty-eight to "Provided always, that". Section Thirty-five to "Court; and". Sections Forty-three, Sixty-five, and Sixty-seven. The rest of the Act so far as it relates to claims.
c. 87. in part.	An Act for the Relief of the Suitors of the High Court of Chancery - - - - } in part; namely,— Section One to "and fifty-two" (where those words first occur), and from "after the" (where those words next occur) to "fifty-two,". Section Three to "and fifty-two,". Section Five to "cease; and". Section Sixteen from "shall be in lieu" to "force, and", the word "quarterly", and from "on the Four" to end of that Section. Section Twenty-three from "the following" to "Deputy Sealer, and", and from "and the respective" to end of that Section. Section Twenty-four to "and fifty-two,". Section Twenty-five to "and fifty-two,". Section Twenty-six to "and fifty-two,", and from "and such yearly" to end of that Section. Section Twenty-nine to "and fifty-two,". Sections Thirty-five and Forty. Section Forty-nine from "the Keeper", to "the Hanaper,", the words "Deputy Chaff Wax, Sealer,", and from "the First" to "any such Compensation,".
16 & 17 Vict. c. 1.	An Act to make Provision concerning Bills of Exchange and Promissory Notes payable in the Metropolis on the Day appointed for the Funeral of Arthur late Duke of Wellington.
c. 4.	An Act to amend an Act for guaranteeing Interest on such Loans, not exceeding Five hundred thousand Pounds, as may be raised by the British Colonies on the Continent of South America, in the West Indies, and the Mauritius, for certain Purposes. Repealed as to all Her Majesty's Dominions.
c. 6.	An Act to apply the Sum of Two Millions to the Service of the Year One thousand eight hundred and fifty-three.
c. 9.	An Act for punishing Mutiny and Desertion, and for the better Payment of of the Army and their Quarters.
c. 10.	An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore.
c. 12.	An Act to apply the Sum of Eight Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and fifty-three.
c. 13.	An Act to revive certain temporary Provisions relating to the Collection of Grand Jury Cess in Ireland.
c. 19.	An Act to amend an Act of the Fifteenth Year of Her present Majesty (New Forest Deer Removal), as regards the Publication of Claims, and the preferring and delivering Objections thereto.

16&17 Vict.—*cont.*

c. 20. in part. An Act to alter and amend an Act of the Fifteenth Year of Her present Majesty, for amending the Law of Evidence in Scotland - - - } in part; namely,—
Sections One and Two.

c. 22. in part. An Act for making further Provision for the Execution of the Office of Examiner of the High Court of Chancery - - - - - } in part; namely,—
Section Three, the words "out of the Fund entitled 'The Suitors Fee Fund'; " and the words "out of the aforesaid Suitors Fee Fund".

c. 25. An Act for raising the Sum of Seventeen millions seven hundred and forty-two thousand five hundred Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and fifty-three.

c. 29. in part. An Act for regulating the Weights used in Sales of Bullion - - - - - - } in part; namely,—
Section Three.

c. 31. An Act to apply the Sum of Four Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and fifty-three.

c. 34. in part. An Act for granting to Her Majesty Duties on Profits arising from Property, Professions, Trades, and Offices - - - - - - } in part; namely,—
Section One.
Section Twelve from "within" to "succeeding Year," and the words "and within the same Period in each Year".
Section Twenty-seven.
Section Twenty-eight, from "Provided always" to "as the case may require".
Section Forty from "under this Act" to "as the case may be".
Sections Forty-four, Forty-five, Fifty-seven, and Fifty-nine.

c. 35. An Act to make Provision concerning the future Regulation of certain Appointments connected with Cathedral and Collegiate Churches, and concerning certain of the Estates of the Deans and Chapters of York and Carlisle.

c. 37. *An Act the title of which begins with the words,*—An Act to impose additional Duties on Spirits.—*and ends with the words,*—and to amend the Laws relating to the collecting and securing the Duties of Excise upon Spirits.

c. 38. in part. An Act to extend the Remedies for the Compensation of malicious Injuries to Property in Ireland - } in part; namely,—
Section Two.

c. 39. An Act to repeal the Duties, Allowances, and Drawbacks of Excise on Soap

c. 45. in part. An Act to consolidate and amend the Laws and to grant additional Facilities in relation to the Purchase of Government Annuities through the Medium of Savings Banks, and to make other Provisions in respect thereof - - - } in part; namely,—
Section Ten from "provided" to the end of that Section.
Section Sixteen from "Provided also" to the end of that Section.

c. 50. in part. An Act to effect Exchange of Patronage by Archbishops, Bishops, and other Ecclesiastical corporations - - - - - - } in part; namely,—
Section Three from "to be appointed" to "Chapter Five".

c. 55. in part. An Act to make better Provision for the efficient Discharge of the Duties of the Taxing Officer in and for the Common Law Business in Ireland - } in part; namely,—
Section One.
Section Two from "and Henry Colles" to the end of that Section.

16 & 17 Vict.—*cont.*	
c. 58. in part.	An Act to authorise the Appointment of Barristers for the Purpose of effecting a complete annual Revision of Lists and Registry of Voters for the City of Dublin, and to remove Doubts as to the Rate Books for the Purposes of such Registry - } in part; namely,— Section Two from "and each of such Substitutes" to the end of that Section.
c. 64. in part.	An Act for continuing and amending the Act for facilitating the Sale and Transfer of Incumbered Estates in Ireland - - - - - } in part; namely,— Except Section Twelve.
c. 66.	An Act to continue an Act for authorizing the Application of Highway Rates to Turnpike Roads.
c. 67. in part.	An Act for the better Regulation of Public Houses in Scotland - - - - - } in part; namely,— Sections Three, Four, Seven, Eleven, and Twelve. Section Thirteen, from "all such Licences" to "thereof; and". Section Eighteen. The Schedule.
c. 69. in part.	An Act to make better Provision concerning the Entry and Service of Seamen, and otherwise to amend the Laws concerning Her Majesty's Navy - } in part; namely,— Sections Five and Six.
c. 70. in part.	An Act for the Regulation of Proceedings under Commissions of Lunacy, and the Consolidation and Amendment of the Acts respecting Lunatics so found by Inquisition, and their Estates - } in part; namely,— Section Sixteen from "who shall hold" to "Visitors during pleasure". Section Nineteen. Section Twenty-two from "and the present" to "during pleasure". Sections Thirty-four to Thirty-seven, and Forty-nine.
c. 72.	An Act to continue an Act of the Eleventh Year of Her present Majesty, for the better Prevention of Crime and Outrage in certain Parts of Ireland.
c. 73. in part.	An Act for the Establishment of a Body of Naval Coast Volunteers, and for the temporary Transfer to the Navy, in case of Need, of Seafaring Men employed in other Public Services - - } in part; namely,— Section Five from "but so" to "United Kingdom". Section Eighteen, the words "or in the Forces of the East India Company" (wherever they occur). Repealed as to all Her Majesty's Dominions.
c. 74. in part.	An Act to reduce the Terms on which the Land Tax in Great Britain may be redeemed or purchased } in part; namely,— From "and the Consideration for the Purchase" to the end of the Act.
c. 75.	An Act for the Remission of the Consolidated Annuities charged upon Districts in Ireland.
c. 76.	An Act to continue certain Acts for regulating Turnpike Roads in Ireland.
c. 77.	An Act to continue an Act of the Fifteenth Year of Her present Majesty, for charging the Maintenance of certain poor Persons in Unions in England and Wales upon the Common Fund.
c. 79. in part.	An Act for making sundry Provisions with respect to Municipal Corporations in England - - } in part; namely,— Sections Four and Six. Also Section Twelve, but as to this section so long only as 35 & 36 Vict. c. 33. continues in force.

16 & 17 Vict.—*cont.*

c. 80. in part. An Act to facilitate Procedure in the Sheriffs Courts in Scotland - - - - - } in part; namely,—
Section Twenty-four from "and the Provisions of an Act" to the end of that Section.
Section Twenty-five.
Section Forty-six from "and so much" to the end of that Section.
Sections Fifty-one and Fifty-two.

c. 83. in part. An Act to amend an Act of the Fourteenth and Fifteenth Victoria, Chapter Ninety-nine - - } in part; namely,—
Sections Four and Six.

c. 84. in part. An Act to amend the Passengers Act, 1852, so far as relates to the Passages of Natives of Asia or Africa, and also Passages between the Island of Ceylon and certain Parts of the East Indies - - } in part; namely,—
Section Three.

c. 89. in part. An Act to regulate the Admission of Professors to the Lay Chairs in the Universities of Scotland - } in part; namely,—
Section Seven to "whatsoever".

c. 91. in part. An Act to extend for a limited Time the Provision for Abatement of Income Tax in respect of Insurances on Lives - - - - } in part; namely,—
Section Two.

c. 93. in part. An Act to enable Burghs in Scotland to maintain and improve their Harbours - - - } in part; namely,—
Section Ten.

c. 94. in part. An Act to extend the Benefits of the Act of the Eleventh and Twelfth Years of Her present Majesty, for the Amendment of the Law of Entail in Scotland - - - - - } in part; namely,—
Section Eleven.

c. 96. in part. An Act to amend an Act passed in the Ninth Year of Her Majesty, "for the Regulation of the Care and Treatment of Lunatics" - - - - } in part; namely,—
Section Three.
Section Thirty-five to "repealed, and" and from "in the same manner" to the end of that Section.

c. 97. in part. An Act to consolidate and amend the Laws for the Provision and Regulation of Lunatic Asylums for Counties and Boroughs, and for the Maintenance and Care of Pauper Lunatics, in England - } in part; namely,—
Section One from "or prevent" to "incurred", and from "and every such" to "continued".
Section Six.
Section Sixty-six, the words "according to the Form in the Schedule (E.) to this Act."
Section Sixty-seven, the words "and a proper Person to be sent to an Asylum" (where they secondly occur).
Section One hundred and two from "incurred" to "or hereafter", from "so long" to "Common Funds of Unions", and from "and Section Five" to the end of that Section.
Schedule (E.)

c. 99. in part. An Act to substitute, in certain Cases, other Punishment in lieu of Transportation - - - } in part; namely,—
Section Eleven from "to the Prison" to "of the said Licence".

c. 103. An Act to amend and continue certain Acts relating to Linen, Hempen, and other Manufactures in Ireland.

16&17 Vict.-*cont.*

c. 105. An Act to continue the Exemption of Inhabitants from Liability to be rated as such in respect of Stock in Trade or other Property to the Relief of the Poor.

c. 107. in part. An Act to amend and consolidate the Laws relating to the Customs of the United Kingdom and of the Isle of Man, and certain Laws relating to Trade and Navigation and the British Possessions - } in part; namely,—

Section Ten, from "and may approve" to "for exportation", and from "or in respect of any bonded" to "Duties due on such Sugar".

Section Twelve, the words "and of bonded Sugar Houses", and from "but all existing" to the end of that Section.

Sections Fifteen and Sixteen.

Section Forty-one, the words "on the following Goods, and", the word "other", and from "viz.; Corn," to the end of that Section.

Section Seventy-six from "Coculus Indicus" to "Lemons", from "Corn" to "Sugar", and the words "Oranges" and "Pepper".

Sections Eighty, Eighty-one, and Eighty-four.

Section Eighty-five from "and the Importer or Person" to the end of that Section.

Section One hundred and two.

Section One hundred and seven from "and the Officers of Customs" to the end of that Section.

Section One hundred and eight.

Section One hundred and ten, the words "and Sugar".

Section One hundred and thirteen.

Section One hundred and fourteen from "within the meaning" to "fifty-nine, and", from "and the same" to "same Act," and from "as well as" to "last-mentioned Act".

Section One hundred and fifteen, the words "bonâ fide waste Cards as aforesaid, or".

Section One hundred and forty-two from "and the Shipper" to the end of that Section.

Section One hundred and sixty-two to "fifty-four and".

Section One hundred and seventy-nine.

Section Two hundred and twenty-eight from "and any Nets" to the end of that Section.

Section Two hundred and forty-seven from "or any Tea" to "Ten Pounds or more".

Section Three hundred and thirty-four from "including" to "such Contract".

Section Three hundred and fifty-three from "and, except" to the end of that Section.

Sections Three hundred and fifty-four and Three hundred and fifty-five.

Section Three hundred and fifty-eight.

Schedule A.

Repealed as to all Her Majesty's Dominions.

c. 108. An Act for further continuing certain temporary Provisions concerning Ecclesiastical Jurisdiction in England.

c. 109. An Act to continue an Act to amend the Laws relating to Loan Societies.

c. 110. An Act to apply a Sum out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the Year One thousand eight hundred and fifty-three, and to appropriate the Supplies granted in this Session of Parliament.

c. 112. in part. An Act to consolidate and amend the Laws relating to Hackney and Stage Carriages, also Job Carriages and Horses, and Carts let for Hire, within the Police District of Dublin Metropolis - - } in part; namely,—

Sections One, Three, Four, and Eighty-four.

Schedule (A.)

16&17 Vict.-*cont.*	
c. 113. in part.	An Act to amend the Procedure in the Superior Courts of Common Law in Ireland - - - } in part; namely,— Section Three from "except as to anything" to the end of that Section.
c. 116.	*An Act the title of which begins with the words,*—An Act to defray the Charge of the Pay,—*and ends with the words,*—Employment of the Non-commissioned Officers.
c. 118.	An Act to amend an Act of the Seventh Year of Her Majesty, for the better Apprehension of certain Offenders. Repealed as to all Her Majesty's Dominions.
c. 124.	An Act to continue Appointments under the Act for consolidating the Copyhold and Inclosure Commissions, and for completing Proceedings under the Tithe Commutation Acts.
c. 129. in part.	An Act further to amend the Law relating to Pilotage in part; namely,— Section Three, the words "notwithstanding the Repeal and Enactment herein-before contained".
c. 130. in part.	An Act to amend the Acts for promoting the Drainage of Lands and Improvements in connexion therewith in Ireland - - - - - - } in part; namely,— Sections Ten and Forty. The Schedule.
c. 133.	An Act to suspend the making of Lists and the Ballots and Enrolments for the Militia of the United Kingdom, and to amend the Law in relation to the Militia in England.
c. 135. in part.	An Act to continue certain Turnpike Acts in Great Britain, and to make further Provisions concerning Turnpike Roads in England - - - } in part; namely,— Sections One and Two. The Schedule.
c. 136. in part.	An Act for enabling Grand Juries in Ireland to borrow Money from private Sources, on the Security of Presentment, and for transferring to Counties certain Works constructed wholly or in part with Public Money - - - - } in part; namely,— Sections Thirteen, Fourteen, and Eighteen.
c. 137. in part.	An Act for the better Administration of Charitable Trusts - - - - - - } in part; namely,— Section Twenty-seven, the words "and the Trustees of the Charity shall be legally authorized to purchase and hold such Land". Section Thirty-three. Section Sixty-two from "nor shall this Act" to "control of Persons of that Persuasion". Section Sixty-four, the words "exempted from the Operation of this Act." Section Sixty-six from "the Expressions 'District Court'" to "every such District Court". And so much of the rest of the Act as relates to district courts of bankruptcy.
17 & 18 Vict. c. 2.	An Act to apply the Sum of Eight Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and fifty-four.
c. 3.	An Act for raising the Sum of One million seven hundred and fifty thousand Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and fifty-four.
c. 4.	An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.
c. 6.	An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore.

17 & 18 Vict.—*cont.*	
c. 7.	An Act for extending the time limited for putting into execution the Act of the Fourteenth and Fifteenth Years of Her present Majesty, for the better Management and Control of Highways in South Wales.
c. 8. in part.	An Act further to amend an Act relating to the Valuation of rateable Property in Ireland - in part; namely,— Section One.
c. 10.	An Act for granting to Her Majesty additional Duties on Profits arising from Property, Professions, Trades, and Offices.
c. 12.	An Act for raising the Sum of Sixteen millions twenty-four thousand one hundred Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and fifty-four.
c. 14.	An Act to continue Her Majesty's Commission for building new Churches.
c. 16.	An Act to amend the Act of the Thirteenth and Fourteenth Victoria, Chapter Sixty-one, and the Act of the Fifteenth and Sixteenth Victoria, Chapter Fifty-four.
c. 21.	An Act to apply the Sum of Eight Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and fifty-four.
c. 23.	An Act for raising the Sum of Six Millions by Exchequer Bonds and Exchequer Bills.
c. 24. in part.	An Act for granting to Her Majesty an increased Rate of Duty on Profits arising from Property, Professions, Trades, and Offices - - - in part; namely,— Sections One and Two. Section Three to "Provided also, that". Sections Four, Six, and Seven.
c. 27. in part.	An Act for granting certain additional Rates and Duties of Excise - - - - - in part; namely,— Except Section Eight.
c. 30. in part.	An Act for granting certain Duties of Excise on Sugar made in the United Kingdom - - - in part; namely,— Section Four, the words "shall expire on the Tenth Day of October next after the granting thereof, and". Section Five, the words "and in the Seventh and Eighth Years of the Reign of King George the Fourth, Chapter Fifty-Two."
c. 35. in part.	An Act to repeal certain Provisions of an Act of the Fifth and Sixth Years of Her present Majesty, concerning the holding of Assizes for the County of Warwick - - - - - in part; namely,— Section Two from "and all Recognizances" to the end of that Section. Sections Three and Four.
c. 36. in part.	An Act for preventing Frauds upon Creditors by secret Bills of Sale of Personal Chattels - - in part; namely,— Section Three from "containing therein" to the end of that Section. The Schedule.
c. 40.	An Act to continue an Act of the last Session of Parliament, for extending for a limited Time the Provision for Abatement of Income Tax in respect of Insurance on Lives.
c. 41.	An Act to continue the Poor Law Board.
c. 42.	An Act to continue certain Acts for regulating Turnpike Roads in Ireland.
c. 43.	An Act to continue an Act of the Seventeenth Year of Her present Majesty, for charging the Maintenance of certain poor Persons in Unions in England and Wales upon the Common Fund.
c. 45. in part.	An Act to amend the Dublin Carriage Act, 1853 - in part; namely,— Sections One and Five. Section Seven to "and fifty-four". Section Sixteen. Schedule (A.).

17&18 Vict.—*cont.*	
c. 46.	An Act to continue certain Acts relating to Linen, Hempen, and other Manufactures in Ireland.
c. 50.	An Act to continue an Act of the Twelfth Year of Her present Majesty, for amending the Laws relating to Savings Banks in Ireland; and to authorize Friendly Societies to invest the whole of their Funds in Savings Banks.
c. 52.	An Act to continue an Act for authorizing the Application of Highway Rates to Turnpike Roads.
c. 56.	An Act to make further Provisions in relation to certain Friendly Societies - - - - } in part; namely,— Section Eight from "Provided" to the end of that Section.
c. 58. in part.	An Act to continue certain Turnpike Acts in Great Britain, and to make further Provisions concerning Turnpike Roads in England - - - } in part; namely,— Sections One and Two. The Schedule.
c. 61.	An Act to authorize the Application of a Sum of Money out of the forfeited and unclaimed Army Prize Fund in enlarging and improving the Royal Military Asylum.
c. 63.	An Act to continue the Poor Law Commission for Ireland.
c. 65.	An Act for further continuing certain temporary Provisions concerning Ecclesiastical Jurisdiction in England.
c. 66.	An Act to continue the Exemption of Inhabitants from Liability to be rated as such in respect of Stock in Trade or other Property to the Relief of the Poor.
c. 69.	An Act to indemnify Local Boards of Health as regards rating for the Repair of Highways under the Public Health Act, 1848.
c. 72.	An Act to provide for Payment of the Salaries of the Sheriff and Sheriff Clerk of Chancery in Scotland.
c. 75. in part.	An Act to remove Doubts concerning the due Acknowledgment of Deeds by Married Women in certain Cases - - - - - } in part; namely,— Section Two.
c. 76.	An Act for the Formation, Regulation, and Government of Convict Prisons in Ireland - - } in part; namely,— Section One.
c. 80. in part.	An Act to provide for the better Registration of Births, Deaths, and Marriages in Scotland - } in part; namely,— Section One from "Provided" to "had not been passed". Section Fifty-nine from "according" to "Westminster". Section Sixty-five, the words "and such Penalty shall go to the Registrar General".
c. 81. in part.	An Act to make further Provision for the good Government and Extension of the University of Oxford, of the Colleges therein, and of the College of Saint Mary, Winchester - - - } in part; namely,— Sections One to Four and Seven. Section Fourteen from "and if the Vice-Chancellor" to "as they may think fit". Section Twenty-five from "but no such Licence" to the end of that Section. Sections Twenty-Seven to Thirty-eight, Forty-two, Forty-four, and Forty-Six.
c. 89. in part.	An Act to amend the Laws for the better Prevention of the Sale of Spirits by unlicensed Persons, and for the Suppression of Illicit Distillation, in Ireland - - - - - - } in part; namely,—

17 & 18 Vict. c. 89. in part—*cont.*	Section One. Section Nine to "this Act". Section Eleven to "this Act". Section Twelve, the words "from and after the Commencement of this Act".
c. 90. in part.	An Act to repeal the Laws relating to Usury and to the Enrolment of Annuities - - - in part; namely,— Section One to "hereto, and" Section Two. The Schedule.
c. 91. in part.	An Act for the Valuation of Lands and Heritages in Scotland - - - - - - in part; namely,— Section One from "and within" to the end of that Section. Section Four from "the First" to "fifty-five; and" and the word "subsequent". Section Twenty-one from "on or before" to "fifty-five, and" and the word "subsequent". Section Thirty-two. Section Thirty-five from "as nearly" to "form and". The Schedule.
c. 92.	An Act to continue an Act of the Eleventh Year of Her present Majesty, for the better Prevention of Crime and Outrage in certain Parts of Ireland.
c. 94. in part.	An Act to alter the Mode of providing for certain Expenses now charged upon certain Branches of the Public Revenues and upon the Consolidated Fund - - - - - - in part; namely,— Section One from "Provided also" to the end of that Section.
c. 95.	An Act to make better Provision for the Administration of the Laws relating to the Public Health.
c. 98.	An Act to regulate the Salaries of the Parochial Schoolmasters of Scotland.
c. 100.	An Act to make further Provision for the more speedy and efficient Despatch of Business in the High Court of Chancery.
c. 105. in part.	An Act to amend the Laws relating to the Militia in England and Wales - - - - in part; namely,— Section One. Section Thirty-one from "and Officers" to the end of that Section, and so much of the rest of the Section as relates to property qualifications of officers of the militia. Sections Thirty-two, Thirty-five, Thirty-six, and Thirty-eight. Section Forty-eight to "repealed; and".
c. 106. in part.	An Act for amending the Laws relating to the Militia, and raising a Volunteer Force, in Scotland - in part; namely,— Section Two from "and the said Lieutenants shall" to the end of that Section. Section Three from "to grant Commissions" to "Lieutenant thereof, and". Section Four from "to grant Commissions" to "Lieutenant could do, and", and the word "other". Section Five. Sections Six, Seven, and Nine, so far as they relate to property qualifications of officers of the militia. Sections Ten, Eleven, Sixteen, and Eighteen. Section Nineteen, the words "and being duly qualified as aforesaid". Section Twenty-one from "although" to "Captains". Section Twenty-five, as to the form of oath thereby prescribed; and from "and it shall" to the end of that Section.

17 & 18 Vict. c. 106. in part—*cont.*	Section Twenty-nine from "in the Year" to "fifty-five", and from "and the Deputy" to the end of that Section. Section Thirty-one from "and the Deputy" to the end of that Section.
c. 107. in part.	An Act to amend the Laws relating to the Militia, and for raising a Volunteer Militia Force, in Ireland - } in part; namely,— Sections Five, Six, and Seven. Section Eleven from "in the Year" to "fifty-five", and from "and the Deputy" to the end of that Section. Section Sixteen, as to the form of oath thereby prescribed; and from "inserting therein" to "joining the same". Section Thirty-one to "repealed and".
c. 108.	An Act to suspend the making of Lists and the Ballots for the Militia of the United Kingdom.
c. 109.	*An Act the title of which begins with the words,*—An Act to defray the Charge of the Pay,—*and ends with the words,*—and to authorize the Employment of the Non-commissioned Officers.
c. 110.	An Act to provide for the Repayment of Monies advanced from the Exchequer to the County of Mayo for Public Purposes.
c. 111.	An Act to continue and amend the Metropolitan Sewers Acts.
c. 114. in part.	An Act to extend the Rights enjoyed by the Graduates of the Universities of Oxford and Cambridge in respect to the Practice of Physic to the Graduates of the University of London: - - } in part; namely,— Section Two.
c. 120. in part.	An Act to repeal certain Acts and Parts of Acts relating to Merchant Shipping, and to continue certain Provisions in the said Acts - - } in part; namely,— Section Four, the first proviso. Section Five. Section Seven from "and this" to the end of that Section. Section Eight from "And whereas" to the end of that Section. Section Nine. Section Ten from "and this" to the end of that Section. Section Twelve from "and this" to the end of that Section. Section Fourteen.
c. 121.	An Act to apply a Sum out of the Consolidated Fund and certain other Sums to the Service of the Year One thousand eight hundred and fifty-four, and to appropriate the Supplies granted in this Session of Parliament.
c. 123.	An Act to render any Dealing with Securities issued during the present War between Russia and England by the Russian Government a Misdemeanor.
c. 125. in part.	An Act for the further Amendment of the Process, Practice, and Mode of Pleading in and enlarging the Jurisdiction of the Superior Courts of Common Law at Westminster, and of the Superior Courts of Common Law of the Counties Palatine of Lancaster and Durham - - - } in part; namely,— Section One hundred and three, the words "and Twenty-eight, Twenty-nine". Section One hundred and seven, the words "save as aforesaid".
18 & 19 Vict. c. 1. in part.	An Act to enable Her Majesty to accept the Services of the Militia out of the United Kingdom, for the vigorous Prosecution of the War - - } in part; namely,— Sections One to Fourteen.

18&19 Vict.—*cont.*	
c. 2.	An Act to permit Foreigners to be enlisted and to serve as Officers and Soldiers in Her Majesty's Forces.
c. 3.	An Act to carry into effect a Treaty between Her Majesty and the United States of America. Repealed as to all Her Majesty's Dominions.
c. 4.	An Act to amend the Act for limiting the Time of Service in the Army.
c. 5.	An Act to apply the Sum of Three millions three hundred thousand Pounds out of the Consolidated Fund to the Service of the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-five.
c. 6.	An Act to apply the Sum of Twenty Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and fifty-five.
c. 8.	An Act for raising the Sum of Seventeen millions one hundred and eighty-three thousand Pounds by Exchequer Bills for the Service of the Year One thousand eight hundred and fifty-five.
c. 10.	An Act to enable a Third Principal Secretary and a Third Under Secretary of State to sit in the House of Commons.
c. 11.	An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.
c. 12.	An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore.
c. 15. in part.	An Act for the better Protection of Purchasers against Judgments, Crown Debts, Cases of Lis pendens, and Life Annuities or Rentcharges - - } in part; namely,— Section Seven from "and the Proviso" to the end of that Section.
c. 19. in part.	*An Act the title of which begins with the words,*—An Act to remove Doubts as to the Commissions of Officers of Militia,—*and ends with the words,*—to amend the Law relating to the Militia in Ireland } in part; namely,— Sections One to Six. Section Eight from "by the Lieutenant" to "Governors of Ireland".
c. 20.	An Act for granting to Her Majesty an increased Rate of Duty on Profits arising from Property, Professions, Trades, and Offices.
c. 22.	An Act for granting certain additional Rates and Duties of Excise.
c. 26.	An Act to continue an Act of the Thirteenth and Fourteenth Years of Her present Majesty, for enabling the Judges of the Courts of Common Law at Westminster to alter the Forms of Pleading.
c. 28.	An Act to provide that the Property or Income Tax payable in respect of the Income from Ecclesiastical Property in Ireland shall be a Deduction in estimating the Value of such Property for the purpose of Taxation by the Ecclesiastical Commissioners.
c. 30.	An Act to empower the Commissioners of Sewers to expend on House Drainage a certain Sum out of the Monies borrowed by them on security of the Rates, and also to give to the said Commissioners certain other Powers for the same Purpose.
c. 32. in part.	An Act to amend and extend the Jurisdiction of the Stannary Court - - - - - } in part; namely,— Section Eighteen from "and so much" to the end of that Section. Section Twenty-six to "henceforth". Sections Twenty-eight and Thirty.
c. 33.	An Act to prevent Doubts as to the Validity of certain Proceedings in the House of Commons.
c. 35. in part.	An Act to continue the Act for extending for a limited Time the Provision for Abatement of Income Tax in respect of Insurance on Lives - - } in part; namely,— Section Two.

18&19Vict.-*cont.*		
c. 36. in part.	An Act to repeal the Stamp Duties payable on Matriculation and Degrees in the University of Oxford - - - - - - - Section One.	in part; namely,—
c. 37.	An Act to apply the Sum of Ten Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and fifty-five.	
c. 41. in part.	An Act for abolishing the Jurisdiction of the Ecclesiastical Courts of England and Wales in Suits for Defamation - - - - - - Section Two.	in part; namely,—
c. 47.	An Act to continue an Act of the Eighteenth Year of Her present Majesty, for charging the Maintenance of certain poor Persons in Unions in England and Wales upon the Common Fund.	
c. 48. in part.	An Act for the better Administration of Justice in the Cinque Ports - - - - - - Section One from "Provided always" to the end of that Section. Section Nine.	in part; namely,—
c. 51.	An Act to continue the Exemption of Inhabitants from Liability to be rated as such in respect of Stock in Trade or other Property to the Relief of the Poor.	
c. 52.	An Act to continue Appointments under the Act for consolidating the Copyhold and Inclosure Commissions, and for completing Proceedings under the Tithe Commutation Acts.	
c. 59.	An Act to facilitate Inquiries of Commissioners of Endowed Schools in Ireland.	
c. 60. in part.	An Act for excepting Gold Wedding Rings from the Operation of the Act of the last Session relating to the Standard of Gold and Silver Wares, and from the Exemptions contained in other Acts relating to Gold Wares - - - - - - Sections Two and Three.	in part; namely,—
c. 71.	An Act to authorize the Commissioners of the Treasury to make Arrangements concerning certain Loans advanced by way of Relief to the Islands of Antigua, Nevis, and Montserrat. Repealed as to all Her Majesty's Dominions.	
c. 72. in part.	An Act for legalizing and preserving the restored Standards of Weights and Measures - - Sections One and Five.	in part; namely,—
c. 73.	An Act to extend the Period for applying for a Sale under the Acts for facilitating the Sale and Transfer of Incumbered Estates in Ireland.	
c. 75.	An Act to continue certain temporary Provisions concerning Ecclesiastical Jurisdiction in England.	
c. 76.	An Act to continue an Act of the Fifth and Sixth Years of Her present Majesty for amending the Law relative to Private Lunatic Asylums in Ireland.	
c. 77.	An Act to give Effect to a Convention between Her Majesty and the United States of America.	
c. 82.	*An Act the title of which begins with the words,*—An Act to abolish certain Payments,—*and ends with the words,*—Degrees in the University of Dublin.	
c. 83.	An Act to continue certain Acts for regulating Turnpike Roads in Ireland.	
c. 94. in part.	*An Act the title of which begins with the words,*—An Act to impose increased Rates of Duty of Excise, —*and ends with the words,*—and to amend the Laws relating to the Duties of Excise - - Sections One to Four, Nine, Ten, Twenty-eight, and Thirty.	in part; namely,—

18 & 19 Vict. c. 94. in part—*cont.*	Section Thirty-one, so far as it relates to Distillers. Section Thirty-two from "or if any Person" to "thereto belonging". Sections Thirty-three and Thirty-four.
c. 96. in part.	An Act to consolidate certain Acts, and otherwise amend the Laws of the Customs, and an Act to regulate the Office of the Receipt of Her Majesty's Exchequer at Westminster - - - - in part; namely,— Sections Seventeen and Forty-four. Section Forty-five and the Table therein referred to, so far as they respectively relate to Sections One, Ten, Twelve, Seventeen, Nineteen, and Twenty-three. Schedule of Acts to be repealed. Repealed as to all Her Majesty's Dominions.
c. 97. in part.	An Act for the Amendment and Consolidation of the Customs Tariff Acts - - - - in part; namely,— Except Sections Nine and Ten. Repealed as to all Her Majesty's Dominions.
c. 98.	An Act to continue certain Turnpike Acts in Great Britain.
c. 100.	An Act to amend the Law concerning the Qualification of Officers of the Militia.
c. 103. in part.	*An Act the title of which begins with the words,*—An Act to amend an Act of the last Session of Parliament,—*and ends with the words,*—by Retail in Ireland to enter into a Bond with Sureties - - in part; namely,— Section One. Section Two from "and all such Goods seized" to the end of that Section. Section Four.
c. 105. in part.	An Act to amend the Lunatic Asylums Act, 1853, and the Acts passed in the Ninth and Seventeenth Years of Her Majesty, for the Regulation of the Care and Treatment of Lunatics - - - in part; namely,— Section Fifteen from "and all such Orders" to the end of that Section. Section Sixteen.
c. 106.	An Act to suspend the making of Lists and the Ballots for the Militia of the United Kingdom.
c. 107.	An Act to authorize the Commissioners of the Treasury to make Arrangements concerning a certain Loan advanced by way of Relief to the Island of Tobago. Repealed as to all Her Majesty's Dominions.
c. 110. in part.	*An Act the title of which begins with the words,*—An Act to authorize the Application of certain Sums, —*and ends with the words,*—Drainage of Lands and Improvements in connexion therewith in Ireland - in part; namely,— Sections One to Eight.
c. 112.	An Act to continue an Act of the Eleventh Year of Her present Majesty, for the better Prevention of Crime and Outrage in certain Parts of Ireland.
c. 115. in part.	An Act to continue and amend the Public Health Act (1854) - - - - - in part; namely,— Section One. Section Three so far as relates to the salary of the medical officer. And so much of the rest of the Act as relates to the appointment and payment of a medical council.
c. 119. in part.	An Act to amend the Law relating to the Carriage of Passengers by Sea - - - - in part; namely,— Section One.

18 & 19 Vict. c. 119. in part—*cont.*	Section Four from "nor to any Ship of War or Transport" to the end of that Section. Section Five. Section Thirty-seven, the words "acting under the Authority of one of Her Majesty's Principal Secretaries of State" and the words "acting under such Authority and". Section Sixty-eight. Schedule (A.) Repealed as to all Her Majesty's Dominions.
c. 120. in part.	An Act for the better Local Management of the Metropolis - - - - - in part; namely,— Sections One and Four. Section Seven from "and between the Fifth" to "Auditors". Section Nine from "and the Vestry" to "respectively". Section Twenty-four from "Provided" to the end of that Section. Section Thirty-four from "and the Vestry" to "respectively". Section Thirty-nine from "subject nevertheless" to the end of that Section. Section Forty-eight from "and such First" to "respectively". Section Fifty-two to "Meeting; and". Sections Ninety-five and Ninety-seven. Section One hundred and forty-five from "and in the mean time" to the end of that Section. Section One hundred and eighty-four. Section Two hundred and thirty-six from "and the Sums paid" to the end of that Section.
c. 122. in part.	An Act to amend the Laws relating to the Construction of Buildings in the Metropolis and its Neighbourhood - - - - - - in part; namely,— Section One hundred and nine. Section One hundred and ten to "County Court; and".
c. 123.	*An Act the title of which begins with the words,*—An Act to defray the Charge of the Pay,—*and ends with the words,*—authorize the Employment of the Non-commissioned Officers.
c. 124. in part.	An Act to amend the Charitable Trusts Act, 1853 - in part; namely,— Sections Two and Nineteen. Section Thirty to "repealed; but". Section Forty-four to "passing of this Act; and". Section Forty-seven to "Persons of that Persuasion". And so much of the rest of the Act as relates to district courts of bankruptcy.
c. 127.	An Act to make better Provision for the Union of contiguous Benefices, and to facilitate the building and endowing of new Churches in spiritually destitute Districts.
c. 128. in part.	An Act further to amend the Laws concerning the Burial of the Dead in England - - - in part; namely,— Section Five.
c. 129.	An Act to apply a Sum out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the Year One thousand eight hundred and fifty-five, and to appropriate the Supplies granted in this Session of Parliament.
c. 130.	An Act for raising the Sum of Seven Millions by Exchequer Bills and Exchequer Bonds, for the Service of the Year One thousand eight hundred and fifty-five.
c. 132.	An Act for facilitating the Erection of Dwelling Houses for the Labouring Classes.
c. 133.	An Act for limiting the Liability of Members of certain Joint Stock Companies.

18 & 19 Vict.—*cont.* c. 134. in part.	An Act to make further Provision for the more speedy and efficient Despatch of Business in the High Court of Chancery, and to vest in the Lord Chancellor the Ground and Buildings of the said Court situate in Southampton Buildings, Chancery Lane, with Powers of leasing and Sale thereof - - } in part; namely,— Sections Three, Four, Seven, Nine, and Ten. Section Eleven, except as to Seth Charles Ward, the present senior Clerk of Records and Writs. Section Twelve from "but so" to the end of that Section. Section Thirteen.
19 & 20 Vict. c. 1. in part.	An Act to regulate certain Offices of the House of Commons - - - - - } in part; namely,— Section One to "confirmed, and". Section Two.
c. 2. in part.	An Act to amend the Acts relating to the Metropolitan Police - - - - - } in part; namely,— Section One from "and the Person" to "Metropolis". Section Ten.
c. 4.	An Act to apply the Sum of One million six hundred and thirty-one thousand and five Pounds One Shilling and Fivepence out of the Consolidated Fund to the Service of the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-six.
c. 7.	An Act to apply the sum of Twenty-six Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and fifty-six.
c. 8.	An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore.
c. 10.	An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.
c. 14.	An Act to abolish the Office of Secretary to the Poor Law Commissioners in Ireland.
c. 15. in part.	An Act for further regulating the Payment of the Out-Pensioners of Greenwich and Chelsea Hospitals - - - - - - } in part; namely,— Section One.
c. 18. in part.	An Act to authorize for a further Period the Application of Money for the Purposes of Loans for carrying on Public Works in Ireland - - } in part; namely,— Sections One to Six, Nine and Ten.
c. 19.	An Act for raising the Sum of Twenty-one million one hundred and eighty-two thousand seven hundred Pounds by Exchequer Bills for the Service of the Year One thousand eight hundred and fifty-six.
c. 20. in part.	An Act to continue certain Compositions payable to Bankers who have ceased to issue Bank Notes - } in part; namely,— Section One.
c. 31.	An Act to amend the Act of the Seventeenth and Eighteenth Years of Her Majesty, concerning the University of Oxford and the College of Saint Mary Winchester.
c. 33.	An Act to continue the Act for extending for a limited Time the Provision for Abatement of Income Tax in respect of Insurance on Lives.
c. 34. in part.	*An Act the title of which begins with the words,*—An Act to grant Allowances of Excise Duty on Malt in Stock;—*and ends with the words,*—amend the Law relating to Malt Roasters - - - } in part; namely,— Sections One to Fifteen, Seventeen, and Eighteen.

19&20 Vict.—*cont.*	
c. 42.	An Act to continue the Act for the Exemption of Stock in Trade from Rating.
c. 44.	An Act for raising the Sum of Four Millions by Exchequer Bills and Exchequer Bonds, for the Service of the Year One thousand eight hundred and fifty-six.
c. 49.	An Act to continue certain Turnpike Acts in Great Britain.
c. 51.	An Act to permit the Use of Rice in the Distillation of Spirits.
c. 52.	An Act to suspend the making of Lists and the Ballots for the Militia of the United Kingdom.
c. 56. in part.	An Act to constitute the Court of Session the Court of Exchequer in Scotland, and to regulate Procedure in Matters connected with the Exchequer - } in part; namely,— Sections Eighteen, Forty-six, Forty-eight, and Forty-nine.
c. 58. in part.	An Act to amend the Law for the Registration of Persons entitled to vote in the Election of Members to serve in Parliament for Burghs in Scotland } in part; namely,— Section One to "made; and". Section Twenty-four from "of which" to "Member". Section Twenty-five, the words "whether of Registration or Appeal" and the words "or sitting as a Member thereof". Section Twenty-six, the words "by the first-recited Act". Section Twenty-seven. Section Twenty-eight, the words "under this and the first-recited Act". Section Thirty from "provided also" to "fifty-six". Section Thirty-two from "and so much" to "repealed". Sections Thirty-three and Forty-seven.
c. 59. in part.	An Act to alter the Mode of providing for certain Expenses now charged upon certain Parts of the Public Revenue - - - - - } in part; namely,— Schedule (A.) so far as it relates to the annuity formerly payable to the Duke of Grafton.
c. 62. in part.	An Act to provide for the Maintenance of Navigations made in connexion with Drainage, and to make further Provision in relation to Works of Drainage in Ireland - - - - - } in part; namely,— Section Twenty-six.
c. 63. in part.	An Act to amend the Acts relating to Grand Juries in Ireland - - - - - } in part; namely,— Section Twenty.
c. 64.	An Act to repeal certain Statutes which are not in use.
c. 67.	An Act to extend the Period for applying for a Sale under the Acts for facilitating the Sale and Transfer of Incumbered Estates in Ireland, and to amend the said Acts.
c. 68. in part.	An Act to further amend the Laws relating to Prisons in Ireland - - - - } in part; namely,— Section Three, the words "and the Commissioners of the Court for relief of Insolvent Debtors in Ireland", and the rest of that Section so far as it relates to the Four Courts Marshalsea. Section Seventeen. Section Twenty from "and every Person" to "given and directed". Section Thirty-one.
c. 69. in part.	An Act to render more effectual the Police in Counties and Boroughs in England and Wales - } in part; namely,— Sections Twenty-one, Twenty-five, and Twenty-six. Section Twenty-seven to "Her Majesty; and".

19 & 20 Vict.—*cont.*	
c. 71.	An Act to continue certain Acts for Regulating Turnpike Roads in Ireland.
c. 72.	An Act to continue "The Railways Act (Ireland), 1851."
c. 74.	An Act to continue the Act to facilitate the Management and Improvement of Episcopal and Capitular Estates in England:
c. 75. in part.	An Act for the further Alteration and Amendment of the Laws and Duties of Customs - - } in part; namely,— Sections One, Two, and Ten. Repealed as to all Her Majesty's Dominions.
c. 76.	An Act to continue for a limited Time the Exemption of certain Charities from the Operation of the Charitable Trusts Acts.
c. 77. in part.	An Act to amend the Law and Practice of the Court of Chancery in Ireland in relation to the Appointment of Receivers over Real Estate, and to expedite the Sale of Estates in the said Court - - } in part; namely,— Section Five.
c. 78.	An Act to continue the Act of the Second and Third Years of Her Majesty, Chapter Seventy-four, for preventing the administering and taking of unlawful Oaths in Ireland, as amended by an Act of the Eleventh and Twelfth Years of Her Majesty's Reign.
c. 79. in part.	An Act to consolidate and amend the Laws relating to Bankruptcy in Scotland - - - } in part; namely,— Section Two. Section Three from "or Proceedings" to "herein-after provided", and from "Provided always" to the end of that Section. Section One hundred and forty from "and the Clerk" to "registration in the Form of Schedule (.) hereto annexed." Schedule (I.) III.—Sheriff Court. from "(2) To the Sheriff" to "1 1 0".
c. 80. in part.	*An Act the title of which begins with the words,*—An Act to grant Relief in assessing the Income Tax,—*and ends with the words,*—Purchase of the Land Tax } in part; namely,— Section Three.
c. 83. in part.	An Act to provide for the better Defence of the Coasts of the Realm, and the more ready Manning of the Navy, and to transfer to the Admiralty the Government of the Coast Guard - - - } in part; namely,— Section Eight from "and all Petty Officers" to the end of that Section. Section Nine. Repealed as to all Her Majesty's Dominions.
c. 84.	An Act to continue the Corrupt Practices Prevention Act, 1854.
c. 85.	An Act to continue the General Board of Health.
c. 87. in part.	An Act to amend the Lunatic Asylums Act, 1853 - in part; namely,— From "or where" to "this Act".
c. 88. in part.	An Act to make further Provision for the good Government and Extension of the University of Cambridge, of the Colleges therein, and of the College of King Henry the Sixth at Eton - } in part; namely,— Sections One to Four, Nine, Sixteen, and Eighteen. Section Twenty-three from "but no" to the end of that Section. Sections Twenty-five to Thirty-one, and Thirty-three to Thirty-five. Section Thirty-six to "Provided always, that". Sections Thirty-seven to Forty-one, and Forty-four. Section Forty-five from "or upon taking" to "or Music". Sections Forty-seven, Fifty-two, and Fifty-three.
c. 90.	*An Act the title of which begins with the words,*—An Act to defray the Charge of the Pay,—*and ends with the words,*—authorize the Employment of the Non-commissioned Officers.

19 & 20 Vict.—*cont.*	
c. 92. in part.	An Act to constitute a Court of Appeal in Chancery, and to amend the Law relating to Appeals from the Incumbered Estates Court in Ireland - } in part; namely,— Section Six. Section Seven from "to Appeals" to "fifty-seven, or". Sections Ten, Twenty-one, Twenty-seven, and Twenty-eight.
c. 98. in part.	An Act to amend the Laws relating to the Burial of the Dead in Ireland - - - - } in part; namely,— Section Eighteen from "and with respect" to "by Agreement".
c. 101.	An Act to continue certain Acts to prevent the spreading of contagious or infectious Disorders among Sheep, Cattle, and other Animals.
c. 102. in part.	An Act to further amend the Procedure in and to enlarge the Jurisdiction of the Superior Courts of Common Law in Ireland - - - - } in part; namely,— Section Three. Section Ninety-six to "repealed, and". Section Ninety-eight, the figures "34, 35".
c. 105.	An Act to apply a Sum out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the Year One thousand eight hundred and fifty-six, and to appropriate the Supplies granted in this Session of Parliament.
c. 108. in part.	An Act to amend the Acts relating to the County Courts - - - - - - } in part; namely,— Sections One and Two. Section Eleven from "and the Provisions" to the end of that Section. Section Twenty-three to "Conversation; but" and the word "other". Sections Thirty-seven, Fifty-nine, Sixty-one, and Seventy-seven. Schedule A. Schedule B., Forms Nos. 2 and 3. Schedule D. except so far as it relates to— F. Bayley, Esq. J. Pitt Taylor, Esq. W. Furner, Esq. T. Falconer, Esq. J. St. John Yates, Esq.
c. 112. in part.	An Act to amend the Act of the last Session of Parliament, Chapter One hundred and twenty, for the better Local Management of the Metropolis - } in part; namely,— Section One from "Provided" to the end of that Section.
c. 114. in part.	An Act to prevent false Packing and other Frauds in the Hay and Straw Trade - - - } in part; namely,— Section Five from "Provided always" to the end of that Section.
c. 115.	An Act to provide for the Retirement of the present Bishops of London and Durham.
20 Vict. c. 2. in part.	An Act to facilitate the Appointment of Chief Constables for adjoining Counties, and to confirm Appointments of Chief Constables in certain Cases } in part; namely,— Sections One and Three.
c. 6.	An Act to reduce the Rates of Duty on Profits arising from Property, Professions, Trades, and Offices.
c. 8.	An Act to continue Appointments under the Act for consolidating the Copyhold and Inclosure Commissions, and for completing Proceedings under the Tithe Commutation Acts.
c. 10.	An Act to continue certain temporary Provisions concerning Ecclesiastical Jurisdiction in England.

20 Vict.-*cont.* c. 11. in part.	An Act to amend the Commissioners of Supply (Scotland) Act, 1856 - - - - } in part; namely,— Sections One and Two.
c. 13.	An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.
c. 14.	An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore.
c. 15.	An Act for granting certain Duties of Customs on Tea, Sugar, and other Articles.
c. 17.	An Act for raising the Sum of Twenty-one million forty-nine thousand seven hundred Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and fifty-seven.
c. 18.	An Act to continue the Act for charging the Maintenance of certain Paupers upon the Union Funds.
c. 20.	An Act to apply a Sum out of the Consolidated Fund to the Service of the Year One thousand eight hundred and fifty-seven, and to appropriate the Supplies granted in this Session of Parliament.
20 & 21 Vict. c. 3. in part.	An Act to amend the Act of the Sixteenth and Seventeenth Years of Her Majesty, to substitute, in certain Cases, other Punishment in lieu of Transportation - - - - - - } in part; namely,— Section One.
c. 4.	An Act to apply the Sum of Eight Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and fifty-seven.
c. 5.	An Act to continue the Act for extending for a limited Time the Provision for Abatement of Income Tax in respect of Insurance on Lives.
c. 12.	An Act to carry into effect a Convention between Her Majesty and the King of Denmark.
c. 16.	An Act to discontinue the Toll on the Turnpike Roads now existing in Ireland, and to provide for the Maintenance of such Roads as public Roads, and for the Discharge of the Debts due thereon, and for other Purposes relating thereto.
c. 18. in part.	An Act to regulate Procedure in the Bill Chamber in Scotland - - - - - - } in part; namely,— Section One to "abolished; and" and from "and the remaining" to the end of that Section. Section Seven from "within" to "Act". Sections Eight and Nine.
c. 19. in part.	An Act to remove Doubts as to the Law of Bankruptcy and Real Securities in Scotland - - } in part; namely,— Section Eight.
c. 21.	An Act to suspend the making of Lists and the Ballots for the Militia of the United Kingdom.
c. 24.	An Act to continue certain Turnpike Acts in Great Britain.
c. 25. in part.	An Act to continue the Powers of the Commissioners under an Act of the Seventeenth and Eighteenth Years of Her Majesty concerning the University of Oxford and the College of St. Mary Winchester, and further to amend the said Act - } in part; namely,— Sections One and Two.
c. 28. in part.	An Act to amend the Laws relating to the Payment of the Land and Assessed Taxes and Property and Income Tax in Scotland - - - - } in part; namely,— Section One.

20&21 Vict. c 28. in part—*cont.*	Section Two from "assessed" to "fifty-eight"; the words "for the same Year"; from "assessed" to "Land Tax", and the word "subsequent".	
c. 35. in part.	An Act to amend an Act passed in the Fifteenth and Sixteenth Years of the Reign of Her present Majesty Queen Victoria, intituled An Act to amend the Laws concerning the Burial of the Dead in the Metropolis, so far as relates to the City of London and the Liberties thereof - - Section Nine.	in part; namely,—
c. 37.	An Act to repeal the Twenty-seventh Section of the Superannuation Act, 1834.	
c. 38.	An Act to continue the General Board of Health.	
c. 40. in part.	*An Act the title of which begins with the words,*—An Act to continue and amend an Act,—*and ends with the words,*—Officers of Customs for certain Purposes - - - - - - - Section One.	in part; namely,—
c. 41.	An Act to revive and continue an Act to amend the Laws relating to Loan Societies.	
c. 42. in part.	An Act to amend "The Burial Grounds (Scotland) Act, 1855" - - - - - - Section One.	in part; namely,—
c. 44. in part.	An Act to regulate the Institution of Suits at the Instance of the Crown and the Public Departments in the Courts of Scotland - - - - Section Six.	in part; namely,—
c. 45. in part.	An Act to make further Provision for defining the Boundaries of certain Denominations of Land in Ireland for public Purposes - - - Section Four.	in part; namely,—
c. 56. in part.	An Act to regulate the Distribution of Business in the Court of Session in Scotland - - - Section Nine.	in part; namely,—
c. 60. in part.	An Act to consolidate and amend the Laws relating to Bankruptcy and Insolvency in Ireland - Sections One, Two, Seven, Thirteen, and Sixteen to Eighteen. Section Twenty-three from "and shall be paid" to the end of that Section. Section Thirty from "on any Petition" to "or any Order". Section Forty-one to "shall arise". Section Forty-two from "the present" to the end of that Section. Sections Forty-three to Forty-five. Section Forty-six from "such Salaries, however" to the end of that Section. Sections Forty-seven and Fifty-five to Fifty-seven. Section Eighty-one from "and provided also" to the end of that Section. Sections Eighty-two, Eighty-five, Two hundred and ninety-four, and Three hundred and Eighty-three. Schedule (A.) Form No. 1. in Schedule (C.) Schedules (D.) to (Y.)	in part; namely,—
c. 61.	An Act for granting certain Duties of Customs and Excise.	

20 & 21 Vict.—*cont.*

c. 62. in part. An Act for the Alteration and Amendment of the Laws and Duties of Customs - - - } in part; namely,—
Sections One to Five, Seven, Eight, Eleven, Seventeen, Eighteen, and Twenty-two.
Repealed as to all Her Majesty's Dominions.

c. 65. *An Act the title of which begins with the words,*—An Act to defray the Charge of the Pay,—*and ends with the words,*—authorize the Employment of the Non-commissioned Officers.

c. 68. in part. An Act to enable the Lord Lieutenant to appoint Revising Barristers for the Revision of Lists and Registry of Voters for the City of Dublin - } in part; namely,—
Section Two from "and each" to the end of that Section.
Section Six.

c. 69. An Act to apply a Sum out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the Year One thousand eight hundred and fifty-seven, and to appropriate the Supplies granted in this Session of Parliament.

c. 71. in part. An Act for the Regulation of the Care and Treatment of Lunatics, and for the Provision, Maintenance, and Regulation of Lunatic Asylums in Scotland - } in part; namely,—
Sections One and Two.
Section Twenty-one from "Provided always" to the end of that Section.
Section One hundred and thirteen.

c. 72. in part. An Act to render more effectual the Police in Counties and Burghs in Scotland - - - - } in part; namely,—
Section Nine.
Section Twenty-nine from "Provided also" to the end of that Section.
Section Thirty-four.
Section Fifty-four from "and all Sums" to "had not been made".

c. 73. in part. An Act for the Abatement of the Nuisance arising from the Smoke of Furnaces in Scotland - - } in part; namely,—
Section Three from "and in either case" to the end of that Section.
Section Eight.

c. 74. An Act to continue the Act concerning the Management of Episcopal and Capitular Estates in England.

c. 76. An Act further to continue for a limited Time the Exemption of certain Charities from the Operation of the Charitable Trusts Acts.

c. 77. in part. An Act to amend the Law relating to Probates and Letters of Administration in England - - } in part; namely,—
Section One from "provided that" to the end of that Section.
Sections Ten and Eleven.
Section Twelve from "not exceeding" to "Court of Admiralty", and the words "or Offices", "Two thousand Pounds, or", "as the case may be", and "except the present Judge of the Prerogative Court".
Section Fourteen from "Provided" to the end of that Section.
Sections Fifteen to Seventeen.
Section Eighteen, the words "except as herein provided", and from "the said District" to "except as aforesaid,".
Also so much of Section Eighteen and Schedule B. as relates to the salaries of the registrars, except as to Edward Francis Jenner, so long as he shall continue to hold the office of second registrar.
Section Forty, the word "Contentious".
Sections Forty-two to Forty-four.
Section Sixty from "and for establishing" to the end of that Section.
Sections Eighty and Eighty-four to Eighty-six.
Section Ninety-five, the words "District Registrars" (where they secondly occur).

20 & 21 Vict. c. 77. in part—*cont.*	Section Ninety-seven from "the Fees of the District" to "own use". Sections One hundred and seven to One hundred and nine. Section One hundred and eleven to "Provided, that", and from "all Fees" to "United Kingdom, and". Section One hundred and fourteen. Section One hundred and eighteen from "in addition" to the end of that Section.
c. 79. in part.	An Act to amend the Law relating to Probates and Letters of Administration in Ireland - - in part; namely,— Section One from "provided that" to the end of that Section. Section Seven from "provided that the" to "Probate; and". Sections Nine and Thirteen. Section Fifteen, the words "except the present Judge of the Prerogative Court". Sections Nineteen to Twenty-one. Section Twenty-three, the words "except as herein-before provided". Sections Forty-seven, Forty-eight, Seventy, Eighty-five, Eighty-nine to Ninety-one, and One hundred and twenty.
c. 82.	An Act to authorize the Embodying of the Militia.
c. 85. in part.	An Act to amend the Law relating to Divorce and Matrimonial Causes in England - - - in part; namely,— Section One from "provided" to the end of that Section. Sections Four and Five. Section Nine from "and shall have" to the end of that Section. Section Ten. Section Seventeen from "or to any" to "such Petition"; the words "or Judge"; and from "Provided always" to the end of that Section. Sections Eighteen to Twenty. Section Sixty-three to "in respect thereof; and" and from "provided that one" to the end of that Section. Section Sixty-five from "but such Judge" to the end of that Section.
21 & 22 Vict. c. 3. in part.	An Act for enabling the East India Company to raise Money in the United Kingdom for the Service of the Government of India - - - - in part; namely,— Section Four from "and the Principal" to the end of that Section. Section Six from "save for" to the end of that Section. Section Seven.
c. 4.	An Act to continue an Act of the last Session to authorize the embodying of the Militia.
c. 5.	An Act to apply the Sum of Ten Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and fifty-eight.
c. 6.	An Act to apply the Sum of Five hundred thousand Pounds out of the Consolidated Fund to the Service of the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-eight.
c. 7.	An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore.
c. 9.	An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.
c. 11: in part.	An Act to repeal the Stamp Duties payable on Matriculation and Degrees in the University of Cambridge - - - - - in part; namely,— Section One.
c. 12.	An Act for the Alteration of certain Duties of Customs.
c. 13.	An Act for raising the Sum of Twenty million nine hundred and eleven thousand five hundred Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and fifty-eight.
c. 14.	An Act for raising the Sum of Two Millions by Exchequer Bonds.

21 & 22 Vict.—*cont.*	
c. 15.	An Act for granting certain additional Rates and Duties of Excise.
c. 16.	An Act for the further Amendment of the Duties of Customs.
c. 17.	An Act to apply the Sum of Eleven Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and fifty-eight.
c. 22. in part.	An Act to abolish Franchise Prisons - - - in part; namely,— Section Three.
c. 25. in part.	An Act to amend the Act concerning non-parochial Registers, and the Acts for Marriages and for registering Births, Deaths, and Marriages in England, and concerning Vaccination - - in part; namely,— Section Four to "repealed; and".
c. 26.	An Act to abolish the Property Qualifications of Members of Parliament.
c. 28.	An Act to continue the Peace Preservation (Ireland) Act, 1856.
c. 32.	An Act to make valid certain Acts of the late Chief Justice of Bombay. Repealed as to all Her Majesty's Dominions.
c. 34.	An Act to continue "The Railways Act (Ireland), 1851."
c. 38.	An Act to repeal certain Provisions for the Issue out of the Consolidated Fund of fixed Amounts for the Reduction of the Funded Debt.
c. 39.	An Act to suspend the making of Lists and the Ballots for the Militia of the United Kingdom.
c. 41.	An Act to extend the Time for making Advances towards Navigations in Ireland, under the Provisions of an Act of the Nineteenth and Twentieth Victoria, Chapter Sixty-two.
c. 44. in part.	*An Act the title of which begins with the words,*—An Act to give to the Universities of Oxford,—*and ends with the words,*—Interests of their Lessees, under proper Reservations and Restrictions - in part; namely,— Section Five.
c. 51.	An Act further to continue the Exemption of certain Charities from the Operation of the Charitable Trusts Acts.
c. 52. in part.	An Act to appoint a Clerk of Nisi Prius for the Consolidated Nisi Prius Court in Ireland, and to make Provision for the Appointment of Tipstaffs in the Superior Courts of Common Law and Equity in Ireland - - - - - in part; namely,— Section Two to "Duties; and" and from "the next" to the end of that Section. Section Three from "Provided always" to "this Act."
c. 53.	An Act to continue Appointments under the Act for consolidating the Copyhold and Inclosure Commissions, and for completing Proceedings under the Tithe Commutation Acts.
c. 55.	An Act to revive and continue an Act amending the Act for limiting the Time of Service in the Army.
c. 56. in part.	An Act to amend the Law relating to the Confirmation of Executors in Scotland, and to extend over all Parts of the United Kingdom the Effect of such Confirmation, and of Grants of Probate and Administration - - - - - in part; namely,— Section Nineteen to "repealed; and", and from "may be" to "Parliament, and".
c. 57. in part.	An Act to amend the Act of the Fifth and Sixth Years of Her present Majesty, for enabling Ecclesiastical Corporations, aggregate and sole, to grant Leases for long Terms of Years - - - in part; namely,— Section Eleven. Section Fourteen, the words "and to the Isle of Man".

21 & 22 Vict.—*cont.*	
c. 62.	An Act to continue certain Acts to prevent the spreading of contagious or infectious Diseases among Sheep, Cattle, and other Animals.
c. 63.	An Act to continue certain Turnpike Acts in Great Britain.
c. 64. in part.	An Act to make further Provision for the Practice of Vaccination in Ireland - - - - } in part; namely,— Section Five.
c. 65. in part.	An Act to amend an Act of the last Session, to render more effectual the Police in Counties and Burghs in Scotland - - - - } in part; namely,— Section One.
c. 67.	An Act to repeal certain Enactments requiring Returns to be made to One of the Secretaries of State.
c. 72. in part.	An Act to facilitate the Sale and Transfer of Land in Ireland - - - - - - - } in part; namely,— Section Three. Section Six to "So help me God". Section Ten to "Registrar" and from "and Thomson" to "Accountant". Section Eleven. Section Thirteen to "Judge of the said Court a Salary of Two thousand five hundred Pounds a Year each; and". Sections Twenty-three and Twenty-four. Section Twenty-six from "and every Appeal" to the end of that Section. Section Twenty-eight. Section Eighty-eight from "Provided always," to the end of that Section, and so much of the rest of the Section as imposes higher rates of duty than those set out in the Schedule to 29 & 30 Vict. c. 99.
c. 73. in part.	An Act to amend the Law concerning the Powers of Stipendiary Magistrates and Justices of the Peace in certain Cases - - - - - - } in part; namely,— Section Eight.
c. 74. in part.	An Act for the Re-arrangement of the Districts of the County Courts among the Judges thereof - } in part; namely,— Section One to "repealed; and". Section Five.
c. 75. in part.	An Act to amend the Law relating to Cheap Trains, and to restrain the Exercise of certain Powers by Canal Companies being also Railway Companies - } in part; namely,— Section Four.
c. 82.	*An Act the title of which begins with the words,*—An Act to defray the Charge of the Pay,—*and ends with the words,*—authorize the Employment of the Non-commissioned Officers.
c. 83. in part.	An Act to make Provision for the better Government and Discipline of the Universities of Scotland, and improving and regulating the Course of Study therein; and for the Union of the Two Universities and Colleges of Aberdeen - - - - } in part; namely,— Section Two from "Provided always" to "provided also, that". Sections Fourteen to Seventeen. Section Eighteen to "Medicine:" and from "2. To make Ordinances" to the end of that Section. Section Nineteen to "Commissioners: But". Section Twenty. Section Twenty-one from "Provided always" to the end of that Section. Sections Twenty-two and Twenty-three.
c. 85.	An Act to continue an Act to enable Her Majesty to accept the Services of the Militia out of the United Kingdom.

21 & 22 Vict.—*cont.*	
c. 86.	An Act further to continue an Act to authorize the embodying of the Militia.
c. 87. in part.	An Act to continue and amend the Corrupt Practices Prevention Act, 1854 - - - - } in part; namely,— Section Three to "repealed; and".
c. 89.	An Act to amend an Act of the last Session, for the Regulation of the Care and Treatment of Lunatics, and for the Provision, Maintenance, and Regulation of Lunatic Asylums, in Scotland.
c. 90. in part.	An Act to regulate the Qualifications of Practitioners in Medicine and Surgery - - - - } in part; namely,— Section Seventeen. Sections Thirty-two, Thirty-four, Thirty-six, and Thirty-seven, the words "After the First Day of January One thousand eight hundred and fifty-nine". Schedule (B.)
c. 95. in part.	An Act to amend the Act of the Twentieth and Twenty-first Victoria, Chapter Seventy-seven - } in part; namely,— Section Four from "and until" to the end of that Section. Sections Nine, Eleven, and Fourteen.
c. 96. in part.	An Act to amend "The West Indian Incumbered Estates Act, 1854" - - - - } in part; namely,— Sections Three and Five. Repealed as to all Her Majesty's Dominions.
c. 97. in part.	An Act for vesting in the Privy Council certain Powers for the Protection of the Public Health - } in part; namely,— Section Four so far as relates to the salary of the Medical Officer. Section Nine from "and shall" to the end of that Section.
c. 100. in part.	An Act to regulate the Office of Clerk of Petty Sessions in Ireland - - - - - } in part; namely,— Section Four.
c. 102.	An Act to indemnify certain Persons who have formed a voluntary Association for the Disposal of Works of Utility and Ornament by Chance or otherwise as Prizes.
c. 104. in part.	An Act to alter and amend the Metropolis Local Management Act (1855), and to extend the Powers of the Metropolitan Board of Works for the Purification of the Thames and the Main Drainage of the Metropolis - - - - - } in part; namely,— Section Twenty-five.
c. 107.	An Act to apply a Sum out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the Year One thousand eight hundred and fifty-eight, and to appropriate the Supplies granted in this Session of Parliament.
c. 108. in part.	An Act to amend the Act of the Twentieth and Twenty-first Victoria, Chapter Eighty-five - } in part; namely,— Section Two from "and until" to the end of that Section. Section Eighteen from "but no such Rule" to the end of that Section. Section Nineteen.
22 Vict. c. 2.	An Act to repeal certain Acts and Parts of Acts which relate to the Observance of the Thirtieth of January and other Days.
c. 4.	An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.
c. 5.	An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore.
c. 6.	*An Act the title of which begins with the words,*—An Act to apply the Sum of One million,—*and ends with the words,*—One thousand eight hundred and fifty-nine.

22 Vict.—*cont.* c. 7.	An Act to apply the Sum of Eleven Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and fifty-nine.
c. 11. in part.	An Act to enable the Secretary of State in Council of India to raise Money in the United Kingdom for the Service of the Government of India - - in part; namely,— Section Four from "and the Principal" to the end of that Section. Section Six from "save for" to the end of that Section. Section Seven.
c. 14. in part.	An Act for the Abolition of Manor Courts and the better Recovery of Small Debts in Ireland - in part; namely,— Section One from "Provided also" to the end of that Section. Sections Two and Three. Section Ten, the words "within the County, and" and "of such County".
c. 17.	An Act to continue an Act of the Eleventh and Twelfth Years of Her present Majesty, for amending the Laws relating to Savings Banks in Ireland.
c. 21. in part.	An Act to amend the Medical Act (1858) - - in part; namely,— Sections One to Three.
c. 22.	An Act for raising the Sum of Thirteen million two hundred and seventy-seven thousand four hundred Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and fifty-nine.
c. 23.	An Act to apply a Sum out of the Consolidated Fund to the Service of the Year One thousand eight hundred and fifty-nine, and to appropriate the Supplies granted in this Session of Parliament.
c. 25. in part.	An Act for the Government of the Convict Prisons in Her Majesty's Dominions abroad - - in part; namely,— Section One. Repealed as to all Her Majesty's Dominions.
c. 26. in part.	An Act to amend the Laws concerning Superannuations and other Allowances to Persons having held Civil Offices in the Public Service - - in part; namely,— Section One.
c. 29.	An Act to continue the Act for charging the Maintenance of certain Paupers upon the Union Funds.
22 & 23 Vict. c. 2.	An Act to apply the Sum of Seven Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and fifty-nine.
c. 3.	An Act to amend and make perpetual "The Public Health Act, 1858."
c. 12. in part.	*An Act the title of which begins with the words,*—An Act to repeal, as regards the Colony of Victoria,—*and ends with the words,*—Fifth and Sixth Years of William the Fourth, Chapter Sixty-two - - in part; namely,— Section One. Repealed as to all Her Majesty's Dominions.
c. 15.	An Act to suspend the making of Lists and the Ballots for the Militia of the United Kingdom.
c. 18. in part.	An Act for granting to Her Majesty additional Rates of Income Tax; and to reduce the Period of Credit allowed for Payment of the Excise Duty on Malt - in part; namely,— Except Sections Six and Seven.
c. 20. in part.	An Act to amend and consolidate the Laws relating to Military Savings Banks - - - in part; namely,— Section Seven from "and to authorize" to "under such Acts or any of them". Section Eight from "or which may" to "takes effect". Section Eleven.

22 & 23 Vict.—*cont.*

c. 21. in part. An Act to regulate the Office of Queen's Remembrancer, and to amend the Practice and Procedure on the Revenue Side of the Court of Exchequer - } in part; namely,—
Section One to "Master, and".
Section Two, the words "the Remembrancer and".
Section Four to "Office; and", and from "and in the event" to the end of that Section.
Section Six.
Section Nineteen from "Provided" to the end of that Section.
Section Twenty-nine from "and so much" to the end of that Section.
Section Thirty-one.

c. 23. An Act to continue certain Acts relating to the Collection of County Cess in Ireland.

c. 25. An Act to continue certain Acts relating to Linen, Hempen, and other Manufactures in Ireland.

c. 27. An Act to repeal the Thirty-first Section of the Act of the Sixteenth and Seventeenth Years of Victoria, Chapter Ninety-five, and to alter the Limit of the Number of European Troops to be maintained for local Service in India.
Repealed as to all Her Majesty's Dominions.

c. 31. in part. An Act to amend the Law relating to Probates and Letters of Administration in Ireland - - } in part; namely,—
Section Two from "and until" to the end of that Section.
Sections Five, Seven, and Ten.

c. 32. in part. An Act to amend the Law concerning the Police in Counties and Boroughs in England and Wales - } in part; namely,—
Section Fourteen.
Section Twenty-six from "and all Punishment" to the end of that Section.

c. 34. An Act to continue the Powers of the Commissioners under an Act of the Nineteenth and Twentieth Years of Her Majesty, concerning the University of Cambridge and the College of King Henry the Sixth at Eton.

c. 36. in part. An Act to alter the Stamp Duties payable upon Probates of Wills and Letters of Administration, to repeal the Stamp Duties on Licences to exercise the Faculty of Physic, and to amend the Laws relating to Hawkers and Pedlars - - - } in part; namely,—
Section Two.

c. 37. in part. An Act for the Amendment of the Laws relating to the Customs - - - - - } in part; namely,—
Sections One and Seven.
Repealed as to all Her Majesty's Dominions.

c. 38. in part. An Act further to amend the Laws relating to the Militia - - - - - - } in part; namely,—
Section One from "and as respects" to the end of that Section.
Sections Two and Three.
Section Five to "enrolled; and".
Section Eight to "repealed; and", and from "and the Power" to the end of that Section.
Section Thirteen.

c. 40. in part. An Act for the Establishment of a Reserve Volunteer Force of Seamen, and for the Government of the same - - - - - - } in part; namely,—
Section Eighteen, the words "or in Her Majesty's Indian Forces" (wherever they occur).

c. 44. An Act to continue the Act for the Exemption of Stock in Trade from Rating.

22&23 Vict.-*cont.*	
c. 45.	An Act to continue certain temporary Provisions concerning Ecclesiastical Jurisdiction in England.
c. 46. in part.	An Act to continue and amend the Act concerning the Management of Episcopal and Capitular Estates in England - - - - - in part; namely,— Section Three.
c. 48.	An Act to continue the Corrupt Practices Prevention Act, 1854.
c. 49. in part.	An Act to provide for the Payment of Debts incurred by Boards of Guardians in Unions and Parishes and Boards of Management in School Districts - in part; namely,— Section Two.
c. 50.	An Act further to continue the Exemption of certain Charities from the Operation of the Charitable Trusts Acts.
c. 51.	An Act to continue certain Turnpike Acts in Great Britain.
c. 53. in part.	An Act to enable Charitable and Provident Societies and Penny Savings Banks to invest all their Proceeds in Savings Banks - - - - in part; namely,— Section Two.
c. 54.	*An Act the title of which begins with the words,*—An Act to defray the Charge of the Pay,—*and ends with the words,*—authorize the Employment of the Non-commissioned Officers.
c. 55.	An Act to apply a Sum out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the Year One thousand eight hundred and fifty-nine; and to appropriate the Supplies granted in this Session of Parliament.
c. 56. in part.	An Act to amend the Act of the Fifth and Sixth Years of King William the Fourth, Chapter Sixty-three, relating to Weights and Measures - - in part; namely,— Section Nine from "Provided" to the end of that Section.
c. 61. in part.	An Act to make further Provision concerning the Court for Divorce and Matrimonial Causes - in part; namely,— Section Four from "and all Orders" to the end of that Section.
c. 62.	An Act to amend the Irish Bankruptcy and Insolvency Act (1857).
23 & 24 Vict. c. 2.	An Act to apply the Sum of Four hundred and seven thousand six hundred and forty-nine Pounds out of the Consolidated Fund to the Service of the Year ending the Thirty-first Day of March One thousand eight hundred and sixty.
c. 3.	An Act to apply the Sum of Four million five hundred thousand Pounds out of the Consolidated Fund to the Service of the Year One thousand eight hundred and sixty.
c. 7. in part.	An Act to amend the Medical Acts - - - in part; namely,— Sections Three and Four.
c. 9.	An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.
c. 10.	An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore.
c. 12.	An Act to apply the sum of Eight hundred and fifty thousand Pounds out of the Consolidated Fund to the Service of the Year ending the Thirty-first day of March One thousand eight hundred and sixty.
c. 14. in part.	An Act for granting to Her Majesty Duties on Profits arising from Property, Professions, Trades, and Offices - - - - - in part; namely,— Sections One to Three. Section Five from "and upon" to "sixty". Sections Eight, Nine, and Eleven.

23 & 24 Vict.—*cont.* c. 18. in part.	An Act to amend the Acts relating to Marriages in England and Ireland, by extending certain Provisions thereof to Persons professing with the Society of Friends called Quakers - -	in part; namely,—
	Section One from "Provided always" to "Persuasion of the said Society".	
c. 20.	An Act for raising the Sum of Thirteen million two hundred and thirty thousand Pounds by Exchequer Bills for the Service of the Year One thousand eight hundred and sixty.	
c. 23.	An Act to provide for the Consideration of an Ordinance which has been laid before Parliament in a Report of the Oxford University Commissioners.	
c. 25.	An Act to apply the Sum of Nine million five hundred thousand Pounds out of the Consolidated Fund to the Service of the Year One thousand eight hundred and sixty.	
c. 26. in part.	An Act to remove Doubts as to the Application of "The Common Lodging Houses Acts" to Ireland, and to amend the Provisions of the same so far as they relate to Ireland - - - -	in part; namely,—
	Section Three from "the Term 'Local Authority'" to the end of that Section.	
	Section Four to "therefor as to Ireland".	
	Sections Seven and Nine.	
c. 27. in part.	An Act for granting to Her Majesty certain Duties on Wine Licences and Refreshment Houses, and for regulating the licensing of Refreshment Houses and the granting of Wine Licences - -	in part; namely,—
	Section One from "if the House" to "or upwards - - 1 1 0".	
	Section Ten from "and every such" to "to this Act".	
	The Schedules.	
c. 28.	An Act to repeal the Act of the Seventh Year of King George the Second, Chapter Eight, commonly called "Sir John Barnard's Act," and the Act of the Tenth Year of King George the Second, Chapter Eight.	
c. 32. in part.	An Act to abolish the Jurisdiction of the Ecclesiastical Courts in Ireland in Cases of Defamation, and in England and Ireland in certain Cases of Brawling	in part; namely,—
	Section One from "Provided further" to the end of that Section; and the rest of the Section so far as it relates to Ecclesiastical Courts in Ireland.	
	Section Five.	
c. 33. in part.	An Act to amend certain Provisions in the Bankrupt Law of Scotland - - - - -	in part; namely,—
	Section Six.	
c. 36. in part.	An Act to authorize the Appointment and Approval of Places for the warehousing of Goods for the Security of Duties of Customs - - -	in part; namely,—
	Sections Five to Seven.	
c. 41.	An Act to make perpetual an Act of the Twenty-first and Twenty-second Years of Her present Majesty, to amend the Law relating to Cheap Trains, and to restrain the Exercise of certain Powers by Canal Companies being also Railway Companies.	
c. 47. in part	An Act to amend the Law relative to the Legal Qualification of Councillors and the Admission of Burgesses in Royal Burghs in Scotland - -	in part; namely,—
	Section One.	

23&24 Vict.—*cont.*

c. 51. in part. An Act to provide for an annual Return of Rates, Taxes, Tolls, and Dues levied for local Purposes in England - - - - - } in part; namely,—
Section One from "the First" to the end of that Section.

c. 54. in part. An Act to amend an Act for abolishing certain Offices on the Crown Side of the Court of Queen's Bench, and for regulating the Crown Office - - } in part; namely,—
Section One to "abolished, and".
Section Two from "Provided always" to the end of that Section.

c. 57. An Act to authorize an Extension of the Time for Repayment of a Loan made by the West India Relief Commissioners to the Island of Dominica.
Repealed as to all Her Majesty's Dominions.

c. 60. An Act to amend the Act for regulating the Queen's Prison.

c. 61. An Act for taking the Census of England.

c. 62. An Act for taking the Census of Ireland.

c. 67. An Act to continue an Act for authorizing the Application of Highway Rates to Turnpike Roads.

c. 68. in part. An Act for the better Management and Control of the Highways in South Wales - - - } in part; namely,—
Section Thirty-three from "Provided" to the end of that Section.
Section Thirty-four.

c. 73. An Act to continue certain Turnpike Acts in Great Britain, and to extend the Provisions of the Act of the Fourteenth and Fifteenth Years of Her present Majesty, Chapter Thirty-eight.

c. 79. in part. An Act to provide additional Accommodation for the Sheriff Courts in Scotland - - - } in part; namely,—
Section Eighteen from "Provided also," to the end of that Section.

c. 80. in part. An Act to regulate the Levying and Collection of the Inventory Duty payable upon Heritable Securities and other Property in Scotland - - - } in part; namely,—
Section Nine.

c. 81. An Act to continue Appointments under the Act for consolidating the Copyhold and Inclosure Commissions, and for completing Proceedings under the Tithe Commutation Acts.

c. 85. in part. An Act to amend Two Acts of the Seventeenth and Eighteenth Years, and of the Eighteenth Year, of Her present Majesty, relating to the Registration of Births, Deaths, and Marriages in Scotland - } in part; namely,—
Section One.
Section Four to "repealed; and".
Section Nine to "Provided that", and the word "That".
Section Ten to "Act, and".
Section Twenty to "Sixty-one, and".

c. 88. in part. An Act to extend certain Provisions for Admiralty Jurisdiction in the Colonies to Her Majesty's Territories in India - - - - } in part; namely,—
Section One to "repealed; and".
Repealed as to all Her Majesty's Dominions.

c. 90. in part. An Act to repeal the Duties on Game Certificates and Certificates to deal in Game, and to impose in lieu thereof Duties on Excise Licences and Certificates for the like Purposes - - - } in part; namely,—
Section One.
Section Two to "repealed".
Section Fourteen, the words "obtaining a Licence from the said Justices as aforesaid".
Section Nineteen.

23&24 Vict.-*cont.*		
c. 92. in part.	An Act to amend the Law relative to the Scottish Herring Fisheries - - - - - Sections Eight and Nine.	in part; namely,—
c. 94. in part.	An Act to amend the Laws relating to the Militia - Section Thirteen.	in part; namely,—
c. 98.	An Act for taking the Census in Scotland.	
c. 99.	An Act to continue the Corrupt Practices Prevention Act (1854).	
c. 101.	An Act to continue the Poor Law Board.	
c. 102. in part.	An Act to provide for the Management of East India Stock, and of the Debts and Obligations of the Government of India, at and by the Bank of England - - - - - - Sections One to Five.	in part; namely,—
c. 103.	An Act to apply the Sum of Ten Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and sixty.	
c. 105. in part.	An Act to provide for the Management of the General Prison at Perth, and for the Administration of Local Prisons in Scotland - - - - Section Forty-nine.	in part; namely,—
c. 106. in part.	*An Act the title of which begins with the words,*—An Act to amend the Lands Clauses Consolidation Acts,—*and ends with the words,*—avail himself of the Powers and Provisions contained in the same Acts - - - - - - - Section One.	in part; namely,—
c. 107 in part.	An Act for granting to Her Majesty certain Duties on Wine Licences and Refreshment Houses, and for regulating the licensing of Refreshment Houses and the granting of Wine Licences, in Ireland - Section One from "if the House" to "or upwards - 1 1 0".	in part; namely,—
c. 110. in part.	An Act to consolidate the Duties of Customs - Section One; Duties of Customs, &c.:— Paragraphs 1 to 3, 6 to 9, 12 to 16, and 18. Paragraph 19, the words "in regard to which the Conditions of the Act 4 Vict. c. 8. have or shall have been fulfilled" (wherever they occur); and from "perfumed Spirits" to "to be charged as perfumed Spirits, viz., the Gallon - 0 14 0". Paragraphs 20 to 22. The words "Water, Cologne. *See* Spirits." Paragraph 25. Paragraph 26 to "not being Ash, Beech, Birch, Elm, Oak, and Wainscot, each the Ton - 0 1 0". Section Three, so far as it prohibits the importation into Great Britain and Ireland of extracts and essences of hops and other concentrations thereof. Section Six.	in part; namely,—
c. 111. in part.	An Act for granting to Her Majesty certain Duties of Stamps, and to amend the Laws relating to the Stamp Duties - - - - - Section Nineteen to "Provided always, that". Section Twenty.	in part; namely,—
c. 112. in part.	An Act to make better Provision for acquiring Lands for the Defence of the Realm - - - Sections One to Four, Six to Eight, and Thirty-nine.	in part; namely,—

23&24 Vict.—*cont.*

c. 113. in part. *An Act the title of which begins with the words,*—An Act to grant Duties of Excise on Chicory,—*and ends with the words,*—and to amend the Laws relating to the Excise - - - - in part; namely,—
Section One from "for and upon" to "less Quantity than a Hundredweight: And".
Sections Three and Four.
Section Twenty-eight, the third condition.
Sections Thirty-four and Thirty-five.

c. 114. in part. An Act to reduce into One Act and to amend the Excise Regulations relating to the distilling, rectifying, and dealing in Spirits - - - in part; namely,—
Section Two hundred and two from "except" to "Act; and".
Section Two hundred and three from "as to the several" to "sixty, and".
Schedule (C.), except as to the Acts 6 Geo. 4. c. 58. and 18 & 19 Vict. c. 94.

c. 116. in part. An Act to amend the Law relating to the Election, Duties, and Payment of County Coroners - in part; namely,—
Section One from "and every" to the end of that Section.

c. 119. in part. An Act to amend the Law relating to Weights and Measures in Ireland - - - - in part; namely,—
Section Three.
Section Four to "repealed".
Section Ten.
Section Twenty-two from "Provided" to the end of that Section.

c. 120. in part. An Act to amend the Laws relating to the Ballots for the Militia in England, and to suspend the making of Lists and Ballots for the Militia of the United Kingdom - - - - - in part; namely,—
Sections Twenty-seven to Twenty-nine.

c. 124. in part. An Act further to amend the Acts relating to the Ecclesiastical Commissioners, and the Act concerning the Management of Episcopal and Capitular Estates in England - - - - in part; namely,—
Section Forty.

c. 125. in part. An Act for better regulating the Supply of Gas to the Metropolis - - - - - in part; namely,—
Section Fourteen from "Provided that it shall not be lawful" to the end of that Section.
Section Thirty-six from "provided that" to the end of that Section.
Section Fifty-six.

c. 127. in part. An Act to amend the Laws relating to Attorneys, Solicitors, Proctors, and Certificated Conveyancers in part; namely,—
Section Two from "and where any Person" to the end of that Section.
Section Four from "and where any such Person" to the end of that Section.
Section Fourteen.
And so much of the rest of the Act as requires any attorney or solicitor to take the oath of allegiance.

c. 129. in part. An Act to grant Excise Duties on British Spirits and on Spirits imported from the Channel Islands in part; namely,—
Section One from "on and after the Twenty-ninth" to "One Penny; And".
Section Two from "on and after the Twenty-eighth" to "and Sixpence; And".
Section Six.

23&24 Vict.-*cont.*

c. 131. An Act to apply a Sum out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the Year One thousand eight hundred and sixty, and to appropriate the Supplies granted in this Session of Parliament.

c. 132. An Act for raising the Sum of Two million Pounds by Exchequer Bonds or Exchequer Bills for the Service of the Year One thousand eight hundred and sixty.

c. 133. *An Act the title of which begins with the words,*—An Act to defray the Charge of the Pay,—*and ends with the words,*—to authorize the Employment of the Non-commissioned Officers.

c. 134. in part. An Act to amend the Law regarding Roman Catholic Charities - - - - - - } in part; namely,—
Section Four.

c. 136. in part. An Act to amend the Law relating to the Administration of Endowed Charities - - - } in part; namely,—
Section Twenty-four.
So much of the rest of the Act as relates to district courts of bankruptcy.

c. 138. An Act to continue and amend the Peace Preservation (Ireland) Act (1856).

c. 141. An Act to amend an Act passed in the Thirteenth Year of Her Majesty, to restrain Party Processions in Ireland.

c. 142. in part. An Act to make better Provision for the Union of contiguous Benefices in Cities, Towns, and Boroughs - - - - - - } in part; namely,—
Section Thirty from "and the Provisions" to the end of that Section.

c. 144. in part. An Act to amend the Procedure and Powers of the Court for Divorce and Matrimonial Causes - } in part; namely,—
Section Four from "and Section Two" to the end of that Section.

c. 148. An Act to continue the Powers of the Poor Law Commissioners in Ireland.

c. 149. in part. An Act to make better Provision for the Relief of Prisoners in Contempt of the High Court of Chancery, and Pauper Defendants; and for the more efficient Despatch of Business in the said Court - - - - - - - } in part; namely,—
Section One.
Section Two from "the present" to "retirement of the present Solicitor to the Suitors Fund."
Section Seven.
Section Nine from "such additional Salary to be" to "Fee Fund Account", and from "to be payable" to "last aforesaid".
Sections Ten and Eleven.

c. 154. in part. An Act to consolidate and amend the Law of Landlord and Tenant in Ireland - - - } in part; namely,—
Section One hundred and four from "and except so far as may be necessary" to the end of that Section.

24 & 25 Vict. c. 2. An Act to apply the Sum of Four Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and sixty-one.

c. 4. An Act for amending the Red Sea and India Telegraph Act, 1859.

c. 6. An Act to apply the Sum of Three Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and sixty-one.

c. 7. An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.

c. 8. An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore.

24 & 25 Vict.—*cont.*

c. 10. in part. An Act to extend the Jurisdiction and improve the Practice of the High Court of Admiralty - - } in part; namely,—
Section Twenty-nine.
Section Thirty from "and nothing" to the end of that Section.
Section Thirty-one.

c. 12. An Act for the Abolition of Contributions by Counties for the Relief of Prisoners in the Queen's Prison, and for the Benefit of Bethlem Hospital.

c. 19. An Act to apply the Sum of Ten Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and sixty-one.

c. 20. An Act to continue certain Duties of Customs and Inland Revenue for the Service of Her Majesty, and to alter and repeal certain other Duties.

c. 21. in part. An Act for granting to Her Majesty certain Duties of Excise and Stamps - - - - } in part; namely,—
Section One from "which said Duties" to the end of that Section.
Section Five.
Section Seven from "the Licences" to "Duties thereon, nor".
Schedule (B.) from "Licence to be taken out by any Hawker" to "under any other Act now in force".

c. 26. in part. An Act to amend the Dublin Improvement Act, 1849 - in part; namely,—
Section Thirteen.

c. 34. An Act to extend the Provisions of the Acts to facilitate the Improvement of Landed Property in Ireland, and to further provide for the Erection of Dwellings for the Labouring Poor in Ireland.

c. 37. in part. An Act to simplify the Mode of raising the Assessment for the Poor in Scotland - - - } in part; namely,—
From "and until" to "in such Parish", and from "Provided always" to the end of the Act.

c. 47. part. An Act to facilitate the Construction and Improvement of Harbours by authorizing Loans to Harbour Authorities; to abolish Passing Tolls; and for other Purposes - - - - } in part; namely,—
Section Three, Sub-section (7.), from "not exceeding" to "1853".
Sections Nine and Eleven to Thirteen.
The Second Schedule.

c. 53. in part. An Act to provide that Votes at Elections for the Universities may be recorded by means of Voting Papers - - - - - - } in part; namely,—
Section Two, as to the form of declaration thereby prescribed.

c. 55. in part. An Act to amend the Laws regarding the Removal of the Poor and the Contribution of Parishes to the Common Fund in Unions - - - } in part; namely,—
Section Five.
Section Seven from "Provided" to the end of that Section.
Section Nine from "Provided always" to the end of that Section.

c. 57. An Act to continue an Act of the Fifth and Sixth Years of Her Majesty relating to private Lunatic Asylums in Ireland.

c. 58. An Act to continue an Act of the Eleventh and Twelfth Years of Her Majesty relating to the Collection of County Cess in Ireland.

c. 59. in part. An Act to facilitate Proceedings before Justices under the Acts relating to Vaccination - - } in part; namely,—
The whole Act, so far as relates to Ireland.

c. 62. in part. An Act to amend the Act of the Ninth Year of King George the Third, Chapter Sixteen, for quieting Possessions and Titles against the Crown, and also certain Acts for the like Object relating to Suits by the Duke of Cornwall - - - } in part; namely,—
Section Five.

24&25 Vict.—*cont.*	
c. 64.	An Act to continue certain Turnpike Acts in Great Britain.
c. 65.	An Act to continue the Survey of Great Britain, Berwick-upon-Tweed, and the Isle of Man.
c. 68.	An Act to amend the Laws relating to Attorneys and Solicitors in Ireland.
c. 74.	An Act to render lawful the Enlistment of Persons transferred from the Indian to the General Forces of Her Majesty, and to provide in certain respects for the Rights of such Persons. Repealed as to all Her Majesty's Dominions.
c. 75. in part.	An Act for amending the Municipal Corporations Act - - - - - - in part; namely,— Section Four from "and that all Licences" to the end of that Section.
c. 76. in part.	An Act to amend the Law relating to the Removal of poor Persons to Ireland - - - in part; namely,— Sections Five and Seven.
c. 79. in part.	An Act to amend the Metropolis Gas Act - - in part; namely,— Section Two.
c. 83. in part.	An Act to amend the Law regarding the Registration of County Voters in Scotland - - - in part; namely,— Section Three to "Act; and". Section Six from "in" to "sixty-two, and", and the word "thereafter". Section Eight from "in" to "sixty-two, and", and the word "thereafter". Section Thirty-one from "Provided" to the end of that Section. Sections Thirty-four and Thirty-five. Section Thirty-seven from "and the Lord Ordinary" to the end of that Section. Section Forty-five to "Person; and". Section Forty-six.
c. 84. in part.	An Act to amend the Law in Scotland relative to the Resignation, Powers, and Liabilities of gratuitous Trustees - - - - - - in part; namely,— Section Two from "nor any" to the end of that Section.
c. 85.	An Act to authorize for a further Period the Application of Money for the Purposes of Loans for carrying on Public Works in Ireland.
c. 86. in part.	An Act to amend the Law regarding Conjugal Rights in Scotland - - - - in part; namely,— Section Thirteen to "it is hereby enacted, that". Section Fourteen, except so far as relates to Benjamin Robert Bell. Sections Eighteen and Twenty-one.
c. 89.	An Act to increase the Amount payable out of the Revenues of India in respect of the Retiring Pay, Pensions, and other Expenses of that Nature, of Her Majesty's British Forces serving in India. Repealed as to all Her Majesty's Dominions.
c. 91. in part.	An Act to amend the Laws relating to the Inland Revenue - - - - - - in part; namely,— Section One, the words "of Two Pounds and Two Shillings", and from "and so far" to the end of that Section. Section Fourteen from "on and after" to "sixty-one"; from "and every Person" to "Period of such Licence"; and the words "after the said Tenth Day of October." Sections Sixteen, Twenty-four, and Forty-two.
c. 103.	An Act to apply a Sum out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the Year One thousand eight hundred and sixty-one, and to appropriate the Supplies granted in this Session of Parliament.

24&25 Vict.-*cont.*		
c. 109. in part.	An Act to amend the Laws relating to Fisheries of Salmon in England - - -	in part; namely,—
	Section Thirty-nine.	
	The Schedule.	
c. 112. in part.	An Act for the Appropriation of the Seats vacated by the Disfranchisement of the Boroughs of Sudbury and Saint Alban - - - -	in part; namely,—
	Sections One to Eight.	
	Section Eleven to "Parliament," and from "with this" to the end of that Section.	
	Section Thirteen.	
c. 119.	*An Act the title of which begins with the words,*—An Act to defray the Charge of the Pay,—*and ends with the words,*—authorize the Employment of the Non-commissioned Officers.	
c. 120.	An Act to suspend the making of Lists and the Ballots for the Militia of the United Kingdom.	
c. 122.	An Act to continue the Corrupt Practices Prevention Act (1854).	
c. 123. in part.	An Act to reduce and alter the Rate of Duty payable on Proceedings under the Statute of the Twenty-first and Twenty-second Years of Victoria, Chapter Seventy-two, Section Eighty-eight; and for other Purposes - - - -	in part; namely,—
	Section Three.	
c. 131. in part.	An Act to continue the Act concerning the Management of Episcopal and Capitular Estates in England, and further to amend certain Acts relating to the Ecclesiastical Commissioners for England -	in part; namely,—
	Section Two.	
25 & 26 Vict. c. 1.	An Act to apply the Sum of Nine hundred and seventy-three thousand seven hundred and forty-seven Pounds out of the Consolidated Fund to the Service of the Year ending the Thirty-first Day of March One thousand eight hundred and sixty-two.	
c. 2.	An Act to apply the Sum of Eighteen Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and sixty-two.	
c. 5.	An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.	
c. 6.	An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore.	
c. 9.	An Act to enable the Trustees of Sir John Soane's Museum to send Works of Art to the International Exhibition, 1862.	
c. 12.	An Act for the Protection of Inventions and Designs exhibited at the International Exhibition of Industry and Art for the Year One thousand eight hundred and sixty-two.	
c. 13.	An Act for raising the Sum of One Million Pounds by Exchequer Bonds for the Service of the Year One thousand eight hundred and sixty-two.	
c. 14. in part.	An Act to extend to the Isle of Man the Provisions of the Act Eighteenth and Nineteenth Victoria, Chapter Ninety, as to the Payment of Costs to and by the Crown - - - -	in part; namely,—
	Section Two.	
c. 15. in part.	An Act to define the Powers of the President and Fellows of the King and Queen's College of Physicians in Ireland with respect to the Election of its Fellows - - - - - -	in part; namely,—
	Sections One and Two.	
	Section Three to "this Act".	

25 & 26 Vict.—*cont.*

c. 19. in part. An Act to amend the General Pier and Harbour Act, 1861 - - - - - } in part; namely,—
Sections Two, Twenty-three, and Twenty-four.
Schedules (A.) and (C.)

c. 22. in part. An Act to continue certain Duties of Customs and Inland Revenue for the Service of Her Majesty, and to grant, alter, and repeal certain other Duties } in part; namely,—
Section One, so far as it relates to Schedule D., and from "shall respectively" to "Duration thereof, the same".
Section Two from "or as regards" to "and sixty-two".
Section Three from "shall expire" to "Year, and".
Section Eight, the words "for the first Time".
Sections Fourteen and Seventeen to Nineteen.
Section Twenty from "and of an Act" to "fifty-two".
Sections Twenty-one to Twenty-seven.
Sections Thirty and Thirty-one, except as to makers of cards.
Sections Forty, Forty-two, and Forty-four.
Schedule (A.) from "the Duties of Customs now charged" to "of such proof Spirit".
Schedule (B.) from "on a Victualler's occasional Licence" to "the Sum of - 0 5 0".
Schedule (C.), the words "if he be not a Maker of playing Cards, the Duty of - 0 2 6".
Schedule (D.)

c. 24. An Act to continue The Peace Preservation (Ireland) Act, 1856, as amended by the Act of the Twenty-third and Twenty-fourth Years of Victoria, Chapter One hundred and thirty-eight.

c. 27. An Act to authorize Payments for a further Period out of the Revenues of India in respect of the Retiring Pay, Pensions, and other Expenses of that nature of Her Majesty's British Forces serving in India.
Repealed as to all Her Majesty's Dominions.

c. 28. An Act to alter and amend the Universities (Scotland) Act in so far as relates to the Bequest of the late Doctor Alexander Murray in the University of Aberdeen.

c. 29. in part. An Act to amend and enlarge the Acts for the Improvement of Landed Property in Ireland - } in part; namely,—
Sections One, Two, and Five.

c. 31. An Act to apply the Sum of Ten Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and sixty-two.

c. 32. An Act to continue the Act of the Second and Third Years of Victoria, Chapter Seventy-four, for preventing the administering of unlawful Oaths in Ireland, as amended by an Act of the Eleventh and Twelfth Years of Victoria.

c. 44. in part. An Act to amend the Law relating to the giving of Aid to discharged Prisoners - - - } in part; namely,—
Section One from "and to be" to the end of that Section.

c. 48. in part. An Act respecting the Establishment and Government of Provinces in New Zealand, and to enable the Legislature of New Zealand to repeal the Seventy-third Section of an Act, intituled An Act to grant a Representative Constitution to the Colony of New Zealand - - - - } in part; namely,—
Sections One and Six.
Repealed as to all Her Majesty's Dominions.

c. 53. in part. An Act to facilitate the Proof of Title to, and the Conveyance of, Real Estates - - - } in part; namely,—
Section Sixty-two, the words "out of the Suitors Fee Fund".
Section One hundred and twenty-one, the words "out of the Suitors Fee Fund".

25&26 Vict.—*cont.*

c. 54. in part.	An Act to make further Provision respecting Lunacy in Scotland - - - - - -	in part; namely,—
	Section Two.	
c. 58. in part.	An Act to make further Provision with respect to the raising of Money for erecting and improving Parochial Buildings in Scotland - - -	in part; namely,—
	Section One, the words "School House and Schoolmaster's House".	
c. 61. in part.	An Act for the better management of Highways in England - - - - - - -	in part; namely,—
	Section Nine, Sub-section Seven.	
	Section Forty-three, the words "not exceeding Five Pounds".	
c. 62. in part.	An Act to amend the Law relating to the Duration of contested Elections for Counties in Ireland, and for establishing additional Places for taking the Poll thereat - - - - - -	in part; namely,—
	Sections One and Three.	
	Section Four, the words "which shall take place after the Commencement of this Act" and from "Provided always, that in case" to the end of that Section.	
	Section Seven, the words "after the Commencement of this Act".	
c. 63. in part.	An Act to amend "The Merchant Shipping Act, 1854," "The Merchant Shipping Act Amendment Act, 1855," and "The Customs Consolidation Act, 1853" - - - - - -	in part; namely,—
	Section Two.	
	Table (A.) in the Schedule.	
c. 67. in part.	An Act for obtaining a Declaration of Title - -	in part; namely,—
	Section Forty-two, the words "out of the Suitors Fee Fund".	
c. 69. in part.	An Act for transferring from the Admiralty to the Board of Trade certain Powers and Duties relative to Harbours and Navigation under Local and other Acts; and for other Purposes - -	in part; namely,—
	Sections Eleven and Twelve.	
	Section Nineteen, Sub-section Four.	
	Section Twenty-two.	
c. 71.	An Act to apply a Sum out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the Year One thousand eight hundred and sixty-two, and to appropriate the Supplies granted in this Session of Parliament.	
c. 72.	An Act to continue certain Turnpike Acts in Great Britain.	
c. 73. in part.	An Act for continuing the Copyhold, Inclosure, and Tithe Commission, and entitling the Commissioners to Superannuation Allowance - - -	in part; namely,—
	Section One.	
c. 75.	An Act to revive and continue an Act for amending the Laws relating to Savings Banks in Ireland.	
c. 76. in part.	An Act to amend "The Weights and Measures (Ireland) Act, 1860;" to abolish local and customary Denominations of Weight, and to regulate the Mode of weighing Articles sold in Ireland - - - - - - -	in part; namely,—
	Sections One and Three.	
	Section Five to "this Act".	
	Section Six from "and any" to the end of that Section.	
	Section Nine from "before the close" to "Act, and" and the word "succeeding".	
	Section Ten from "in the Year" to "such Quarter Sessions" and the word "succeeding".	

25&26 Vict.—*cont.* c. 77.	An Act to suspend the making of Lists and the Ballots for the Militia of the United Kingdom.	
c. 80.	*An Act the title of which begins with the words,*—An Act to defray the Charge of the Pay,—*and ends with the words,*—authorize the Employment of the Non-commissioned Officers.	
c. 81.	An Act to make perpetual An Act to amend the Procedure and Powers of the Court for Divorce and Matrimonial Causes.	
c. 83. in part.	An Act to amend the Laws in force for the Relief of the destitute Poor in Ireland, and to continue the Powers of the Commissioners - - -	in part; namely,— Section Twenty-six.
c. 84. in part.	An Act to continue the Duties of Excise on Sugar made in the United Kingdom, and to amend the Laws relating to the Duties of Excise - -	in part; namely,— Section One.
c. 86. in part.	An Act to amend the Law relating to Commissions of Lunacy and the Proceedings under the same, and to provide more effectually for the visiting of Lunatics, and for other Purposes - - -	in part; namely,— Sections Twenty-two and Twenty-three. Section Twenty-five from "so much" to the end of that Section.
c. 87. in part.	An Act to consolidate and amend the Laws relating to Industrial and Provident Societies - -	in part; namely,— Section One. The Schedule.
c. 89. in part.	An Act for the Incorporation, Regulation, and Winding-up of Trading Companies and other Associations - - - - -	in part; namely,— Section One hundred and twenty-six, the words "The Commissioners of the Court of Bankruptcy, and" and "Commissioner of the Court of Bankruptcy". Section Two hundred and six, Sub-section Four. Sections Two hundred and seven, Two hundred and eleven, and Two hundred and twelve.
c. 92. in part.	An Act to limit the Time for proceeding to Elections in Counties and Boroughs in Ireland - -	in part; namely,— Section Two to "repealed". Section Four, the words "issued after the Commencement of this Act".
c. 97. in part.	An Act to regulate and amend the Law respecting the Salmon Fisheries of Scotland - - -	in part; namely,— Section Three. Section Thirteen, the words "or who shall discharge into any River Sawdust".
c. 101. in part.	An Act to make more effectual Provision for regulating the Police of Towns and populous Places in Scotland, and for lighting, cleansing, paving, draining, supplying Water to and improving the same, and also for promoting the Public Health thereof - - - - - -	in part; namely,— Section Three from "the Word 'Householder'" to "Six Pounds or upwards".
c. 102. in part.	An Act to amend the Metropolis Local Management Acts - - - - - -	in part; namely,— Sections Ninety-two, One hundred and three, and One hundred and thirteen. Section One hundred and fourteen to "enacted, that".

25&26 Vict.—*cont.*	
c. 104. in part.	An Act for the Discontinuance of the Queen's Prison, and Removal of the Prisoners to Whitecross Street Prison - - - - in part; namely,— Section Two from "but all" to "had not passed". Section Three. Section Four, the words "removed or" (wherever they occur). Section Six, the words "removed or". Sections Eight and Nine.
c. 105. in part.	An Act to transfer the Roads and Bridges under the Management of the Commissioners of Highland Roads and Bridges to the several Counties in which the same are situate, and to provide for other Matters relating thereto - - - in part; namely,— Sections Three, Seven, and Eight. Schedule (A.)
c. 106. in part.	An Act to amend the Law relating to the Appointment of County Surveyors in Ireland - - in part; namely,— Sections One and Four.
c. 107. in part.	An Act to give greater Facilities for summoning Persons to serve on Juries, and for other Purposes relating thereto - - - - - - in part; namely,— Section Two. Section Three to "Repeal, and". Section Fifteen.
c. 109.	An Act to continue the Corrupt Practices Prevention Act (1854).
c. 110.	An Act to enable Boards of Guardians of certain Unions to obtain temporary Aid to meet the extraordinary Demands for Relief therein.
c. 111. in part.	An Act to amend the Law relating to Lunatics - in part; namely,— Section Nineteen.
c. 113. in part.	An Act to amend the Law relating to the Removal of poor Persons from England to Scotland, and from Scotland to England and Ireland - - in part; namely,— Section Eight.
26 & 27 Vict. c. 2.	An Act to make Provision concerning Bills of Exchange and Promissory Notes payable in the Metropolis on the Day appointed for the Passage through the Metropolis of Her Royal Highness the Princess Alexandra of Denmark.
c. 4.	An Act to extend for a further Period the Provisions of the Union Relief Aid Act of the last Session.
c. 5.	An Act to amend the Law relating to the Royal Naval Coast Volunteers. Repealed as to all Her Majesty's Dominions.
c. 6.	An Act to apply the Sum of Ten Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and sixty-three.
c. 8.	An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.
c. 9.	An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore.
c. 11. in part.	An Act for the Registration of Births and Deaths in Ireland - - - - - - in part; namely,— Section Four from "Provided always" to the end of that Section. Section Seven from "Provided always" to the end of that Section. Section Eight from "so much" to "repealed; and". Section Twelve. Section Forty-seven from "the First of such" to "Sixty-four".

26&27 Vict.-*cont.*

c. 12. in part. An Act to abolish the Office of Secretary at War, and to transfer the Duties of that Office to One of Her Majesty's Principal Secretaries of State - in part; namely,—
Section Two from "and the Governor" to the end of that Section.
So much of the Schedule as relates to the Acts—
45 Geo. 3. c. 58.
6 Geo. 4. c. 61.
7 Geo. 4. c. 31.
5 & 6 Vict. c. 70.
6 & 7 Vict. c. 95.
18 & 19 Vict. c. 123.
22 & 23 Vict. c. 42.
25 & 26 Vict. c. 5.
and Rules and Articles of War made under such last-mentioned Act.

c. 15. An Act to apply the Sum of Twenty Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and sixty-three.

c. 16. An Act for raising the Sum of One million Pounds by Exchequer Bonds for the Service of the Year One thousand eight hundred and sixty-three.

c. 19. An Act to amend the Law relative to the Sale of Hares in Ireland.

c. 21. in part. An Act to amend the Law enabling Boards of Guardians to recover Costs of Maintenance of illegitimate Children in certain Cases in Ireland - in part; namely,—
Section One.

c. 22. An Act to grant certain Duties of Customs and Inland Revenue.

c. 23. in part. An Act to alter the Boundaries of New Zealand - in part; namely,—
Section One.
Repealed as to all Her Majesty's Dominions

c. 29. in part. An Act to amend and continue the Law relating to Corrupt Practices at Elections of Members of Parliament - - - - - - in part; namely,—
Section Ten from "but such" to the end of that Section.

c. 33. in part. An Act for granting to Her Majesty certain Duties of Inland Revenue; and to amend the Laws relating to the Inland Revenue - - - - in part; namely,—
Sections Four and Five.
Section Twenty-five from "after the Fifth" to "after the said last-mentioned Day", and from "and every such" to the end of that Section.

c. 35. in part. An Act for the Prevention and Punishment of Offences committed by Her Majesty's Subjects in South Africa - - - - - in part; namely,—
Section Six.
Repealed as to all Her Majesty's Dominions.

c. 37. *An Act the title of which begins with the words,*—An Act to defray the Charge of the Pay,—*and ends with the words,*—authorize the Employment of the Non-commissioned Officers.

c. 48. *An Act the title of which begins with the words,*—An Act to repeal the Act of the Twentieth,—*and ends with the words,*—Distribution of the Effects of Officers and Soldiers dying in the Service.
Repealed as to all Her Majesty's Dominions.

c. 50. in part. An Act to continue the Powers of the Commissioners under the Salmon Fisheries (Scotland) Act until the First Day of January One thousand eight hundred and sixty-five, and to amend the said Act - in part; namely,—
Section One.
Section Two to "repealed; and".

26 & 27 Vict.—*cont.*

c. 51. in part.	An Act to amend the Passengers Act, 1855 - -	in part; namely,—
	Section Two. Section Three to "repealed, and". Section Four to "repealed, and". Sections Five and Twelve. Repealed as to all Her Majesty's Dominions.	
c. 53.	An Act to suspend the making of Lists and the Ballots for the Militia of the United Kingdom.	
c. 55.	An Act to continue the Poor Law Board for a limited Period.	
c. 56.	An Act to make perpetual an Act to amend the Laws relating to Loan Societies.	
c. 57. in part.	An Act to consolidate and amend the Acts relating to the Payment of Regimental Debts, and the Distribution of the Effects of Officers and Soldiers in case of Death, and to make like Provision for the Cases of Desertion and Insanity, and other Cases - - - - - -	in part; namely,—
	Section Three. The Schedule.	
c. 62. in part.	An Act to amend the Law relating to the Seizure of growing Crops in Ireland - - -	in part; namely,—
	Section Two from "save" to the end of that Section.	
c. 65. in part.	An Act to consolidate and amend the Acts relating to the Volunteer Force in Great Britain - -	in part; namely,—
	Section Four. Section Fourteen from "every such Regiment" to "are situate". Sections Forty-two, Forty-six, and Fifty-one. Schedule, Part (vi.)	
c. 69. in part.	An Act to establish Officers of the Royal Naval Reserve - - - - - -	in part; namely,—
	Section Six.	
c. 76. in part.	An Act to determine the Time at which Letters Patent shall take effect in the Colonies - -	in part; namely,—
	Section Four. Repealed as to all Her Majesty's Dominions.	
c. 77. in part.	An Act to amend the Law relating to the Jurisdiction of Justices residing or being out of the County for which they are Justices - - -	in part; namely,—
	From "and any Acts" to the end of the Act.	
c. 89. in part.	An Act for the further Amendment of the Law relating to the Removal of poor Persons, Natives of Ireland, from England - - - -	in part; namely,—
	Section Three.	
c. 90. in part.	An Act to provide for the Registration of Marriages in Ireland - - - -	in part; namely,—
	Sections Two and Five. Section Fourteen from "the First of such" to "Sixty-four".	
c. 91.	An Act to extend for a further Period the Provisions of the Union Relief Aid Acts.	
c. 94. in part.	An Act to amend the Law relating to the Repair of Turnpike Roads in England, and to continue certain Turnpike Acts in Great Britain - -	in part; namely,—
	Section Two. The Schedule.	
c. 95.	An Act for continuing various expiring Acts.	

26&27 Vict.-*cont.* c. 99.	An Act to apply a Sum out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the Year One thousand eight hundred and sixty-three, and to appropriate the Supplies granted in this Session of Parliament.
c. 114. in part.	An Act to amend the Laws relating to Fisheries in Ireland - - - - - - - in part; namely,— Section Three from "but no" to "passing of this Act". Section Fourteen, Sub-section Twelve. Sections Fifteen, Twenty-eight, Thirty-two, Thirty-four, Thirty-six, Thirty-seven, Forty-two, and Forty-seven.
c. 117. in part.	An Act to amend the Nuisances Removal Act for England, 1855, with respect to the Seizure of diseased and unwholesome Meat - - - in part; namely,— Section One.
c. 118. in part.	An Act for consolidating in One Act certain Provisions frequently inserted in Acts relating to the Constitution and Management of Companies incorporated for carrying on Undertakings of a public Nature - - - - - in part; namely,— Section Twenty-one from "but so" to the end of that Section. Section Twenty-two from "not exceeding the Rate prescribed" to "per Annum".
c. 120. in part.	An Act for the Augmentation of certain Benefices, the Right of Presentation to which is vested in the Lord Chancellor - - - - in part; namely,— Section Thirty-eight from "but" to the end of that Section.
c. 121.	An Act to establish the Validity of Acts performed in Her Majesty's Possessions abroad by certain Clergymen ordained in Foreign Parts, and to extend the Powers of Colonial Legislatures with respect to such Clergymen. Repealed as to all Her Majesty's Dominions.
27 & 28 Vict. c. 2.	An Act to enable the Right Honourable Sir John Laird Mair Lawrence to receive the full Benefit of the Salary of Governor General of India, notwithstanding his being in receipt of an Annuity granted to him by the East India Company.
c. 3.	An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.
c. 4.	An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore.
c. 5.	An Act to apply the Sum of Five hundred and eighty-four thousand six hundred and fifty Pounds out of the Consolidated Fund to the Service of the Year ending the Thirty-first Day of March One thousand eight hundred and sixty-four.
c. 6.	An Act to apply the Sum of Four million five hundred thousand Pounds out of the Consolidated Fund, to the Service of the Year One thousand eight hundred and sixty-four.
c. 7. in part.	An Act to amend the Law relating to Bills of Exchange and Promissory Notes in Ireland - - in part; namely,— Section One.
c. 10.	An Act to continue for a further Period certain Provisions of the Union Relief Aid Acts.
c. 11.	An Act to apply the Sum of Fifteen Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and sixty-four.
c. 12. in part.	An Act to amend the Laws relating to the warehousing of British Spirits - - - - in part; namely,— Section Sixteen.

27 & 28 Vict.—*cont.*

c. 15. in part. An Act for making better and further Provision for the more efficient Despatch of Business in the High Court of Chancery - - - - } in part; namely,—
Section Two.
Section Three from "Provided always" to the end of that Section.
Section Five from "and such Salary" to the end of that Section.
And the rest of the Act except as to John William Hawkins and any junior clerks or assistant clerks appointed thereunder before the passing of the Act 30 & 31 Vict. c. 87.

c. 16. An Act to confirm the Appointment of Henry Pendock St. George Tucker, Esquire, as One of the Judges of Her Majesty's High Court at Bombay, and to establish the Validity of certain Proceedings therein.
Repealed as to all Her Majesty's Dominions.

c. 17. in part. An Act for the Abolition of Vestry Cess in Ireland, and for other Purposes relating thereto - - } in part; namely,—
Section Four from "and every Person entitled" to "binding upon all Parties".
Section Five from "and with like" to the end of that Section.
Section Six.
The Schedule.

c. 18. in part. An Act to grant certain Duties of Customs and Inland Revenue - - - - - } in part; namely,—
Section One, so far as it relates to Schedules (A.), (C.), and (D.), and from "and there shall" to "said Schedule (A.)", and from "shall respectively" to "Duration thereof the same".
Section Two from "or as regards" to "herein-after provided)", and from "Provided always" to the end of that Section.
Sections Three, Four, and Eight.
Schedule (A.)
Schedule (B.) from "on Sugar" to "any former Act", and from "if such trading Person as aforesaid" to "the yearly Duty of - 2 0 0".
Schedule (D.)

c. 21. An Act to indemnify certain Persons from any penal Consequences which they may have incurred by sitting and voting as Members of the House of Commons while holding the Office of Under Secretary of State.

c. 28. in part. An Act to amend "The Common Law Procedure (Ireland) Act, 1853," in relation to Jurors and Juries in the County of Cork - - - } in part; namely,—
Section Six from "save that" to "in Ireland".

c. 29. in part. An Act to amend the Act Third and Fourth Victoria, Chapter Fifty-four, for making further Provision for the Confinement and Maintenance of Insane Prisoners - - - - - - } in part; namely,—
Sections One and Six.

c. 34. in part. An Act for amending the Law relating to Seats in the House of Commons of Persons holding certain Public Offices - - - - - } in part; namely,—
Section Four.

c. 36. in part. An Act to amend the Law relative to the Payment of the Shares of Prize and other Money belonging to deceased Officers and Soldiers of Her Majesty's Land Forces - - - - - } in part; namely,—
Section Five.

c. 37. in part. An Act to amend and extend the Act for the Regulation of Chimney Sweepers - - - } in part; namely,—
Sections Two and Eleven.

27 & 28 Vict.—*cont.*	
c. 43. in part.	An Act to grant additional Facilities for the Purchase of small Government Annuities, and for assuring Payments of Money on Death - - - in part; namely,— Sections Three and Seven.
c. 47. in part.	An Act to amend the Penal Servitude Acts - - in part; namely,— Section Four from "or if any Holder" to the end of that Section.
c. 48. in part.	An Act for the Extension of the Factory Acts - in part; namely,— Section Six, Sub-sections Two and Three, and Sub-section Six to "this Proviso, that".
c. 56. in part.	An Act for granting to Her Majesty certain Stamp Duties; and to amend the Laws relating to the Inland Revenue - - - - - in part; namely,— Section Six, so far as it relates to licences to dealers in gold and silver plate, and sellers of playing cards, not being makers thereof. Section Nine. Section Ten, so far as it extends Section One of 1 & 2 Geo. 4. c. 22. to Ireland. Section Twelve from "and every such" to "on the said Licence". Section Eighteen.
c. 59. in part.	An Act to continue the Deputy Commissioners in Lunacy in Scotland, and to make further Provision for the Salaries of the Deputy Commissioners, Secretary, and Clerk of the General Board of Lunacy in Scotland - - - - in part; namely,— Section One.
c. 63.	An Act to suspend the making of Lists and the Ballots for the Militia of the United Kingdom.
c. 64. in part.	An Act for further regulating the closing of Public Houses and Refreshment Houses within the Metropolitan Police District, the City of London, certain Corporate Boroughs, and other Places - in part; namely,— Sections Two, Three, and Six. Section Eight, Sub-sections Three and Four. Section Nine.
c. 69.	*An Act the title of which begins with the words,*—An Act to defray the Charge of the Pay,—*and ends with the words,*—authorize the Employment of the Non-commissioned Officers.
c. 73.	An Act to apply a Sum out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the Year One thousand eight hundred and sixty-four, and to appropriate the Supplies granted in this Session of Parliament.
c. 74.	An Act for raising the Sum of One million six hundred thousand Pounds by Exchequer Bonds for the Service of the Year One thousand eight hundred and sixty-four.
c. 75. in part.	An Act to amend the Law relating to certain Nuisances on Turnpike Roads, and to continue certain Turnpike Acts in Great Britain - - - in part; namely,— Sections Two and Three. The Schedule.
c. 76. in part.	An Act to make valid defective Registration of Deeds in certain Cases, and to substitute Stamps in lieu of the Fees now payable on Proceedings in the Registrar of Deeds Office in Ireland - - in part; namely,— Section Two from "and if" to the end of that Section.
c. 84.	An Act for continuing various expiring Acts.
c. 85.	An Act for the Prevention of Contagious Diseases at certain Naval and Military Stations.

&28 Vict.-*cont.*	
c. 86. in part.	An Act to permit for a limited Period Compositions for Stamp Duty on Bank Post Bills of Five Pounds and upwards in Ireland - - - - in part; namely,— The words "during the Period of Three Years from the passing of this Act" and the words "during the Period aforesaid".
c. 87. in part.	An Act to amend the Law relating to Publication of Accounts of Corn imported, and to Returns of Purchases and Sales of Corn - - - in part; namely,— Section One to "the same Day". The Schedule.
c. 94. in part.	An Act to remove Disabilities affecting the Bishops and Clergy of the Protestant Episcopal Church in Scotland - - - - - - in part; namely,— Sections One, Three, and Four.
c. 99. in part.	An Act to amend the Procedure of the Civil Bill Courts in Ireland - - - - - - in part; namely,— Sections Fifty-five and Fifty-six. Section Sixty from "except" to the end of that Section.
c. 101. in part.	An Act to amend the Act for the better Management of Highways in England - - - - in part; namely,— Section Six to "enacted, that". Section Ten to "enacted". Section Twenty-seven to "Boards, and". Section Twenty-eight. Section Thirty-two to "enforcing the same". Section Thirty-six to "that is to say".
c. 105. in part.	An Act to explain the Statutes of Her present Majesty for amending the Laws relating to the Removal of the Poor - - - - in part; namely,— Section Two.
c. 106. in part.	An Act to authorize the Lords Commissioners of the Treasury to make Provision in regard to the Salaries of certain Sheriffs Substitute in Scotland - in part; namely,— Section Two.
c. 114. in part.	The Improvement of Land Act, 1864 - - in part; namely,— Sections Ninety and Ninety-one.
c. 118. in part.	An Act to amend the Acts relating to Salmon Fisheries in Scotland - - - - - in part; namely,— Section Two.
28 & 29 Vict. c. 4.	An Act to apply the Sum of One hundred and seventy-five thousand six hundred and fifty Pounds out of the Consolidated Fund to the Service of the Year ending the Thirty-first Day of March One thousand eight hundred and sixty-five.
c. 6.	An Act for the Protection of Inventions and Designs exhibited at the Dublin International Exhibition for the Year One thousand eight hundred and sixty-five.
c. 9. in part.	An Act to allow Affirmations or Declarations to be made instead of Oaths in all Civil and Criminal Proceedings in Scotland - - - - in part; namely,— Section One.
c. 10.	An Act to apply the Sum of Fifteen Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and sixty-five.
c. 11.	An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.

28 & 29 Vict.—*cont.* c. 12.	An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore.	
c. 16. in part.	An Act to make further Provision for the Management of the Unredeemed Public Debt in Ireland, and for the Reduction of the Interest payable on certain Sums advanced by the Bank of Ireland for the Public Service - - - - - -	in part; namely,—
	Sections One and Two.	
c. 21. in part.	An Act to amend the Irish Bankrupt and Insolvent Act, 1857 - - - - - - -	in part; namely,—
	Section Two.	
c. 22. in part.	An Act to amend the Acts relating to the Scottish Herring Fisheries - - - - - -	in part; namely,—
	Section One.	
c. 29.	An Act for raising the Sum of One million Pounds by Exchequer Bonds for the Service of the Year One thousand eight hundred and sixty-five.	
c. 30. in part.	An Act to grant certain Duties of Customs and Inland Revenue - - - - - -	in part; namely,—
	Section One, so far as it relates to Schedules (A.) and (C.), and from "shall respectively" to "the same".	
	Section Two from "or as regards" to "herein-after provided)", and from "Provided always," to the end of that Section.	
	Sections Three and Four.	
	Schedule (A.)	
	Schedule (B.) from "and for and in respect" to the end of that Schedule.	
	Schedule (C.)	
c. 33. in part.	An Act to repeal the Act of the Parliament of Ireland of the Sixth Year of Anne, Chapter Eleven, for explaining and amending the several Acts against Tories, Robbers, and Rapparees - - -	in part; namely,—
	Section Four.	
c 34. in part.	An Act to make the Metropolitan Houseless Poor Act perpetual - - - - - -	in part; namely,—
	Section One from "and the Sixth" to the end of that Section.	
c. 37. in part.	An Act to make better Provision respecting the Transaction of County Business and the Administration of Justice at Quarter Sessions in the County of Sussex; and to confirm certain Proceedings of the Justices of the said County -	in part; namely,—
	Section Eighteen.	
c. 42. in part.	An Act for facilitating the Annexation of Tithes to District Churches - - - - - -	in part; namely,—
	Section Eight from "and when the Approval of the said Ecclesiastical" to the end of that Section.	
c. 45. in part.	An Act to provide for the Collection by means of Stamps of Fees payable in the Superior Courts of Law at Westminster, and in the Offices belonging thereto - - - - - - -	in part; namely,—
	Section Eight.	
	The Second Schedule.	
c. 47.	*An Act the title of which begins with the words,*—An Act to defray the Charge of the Pay,—*and ends with the words,*—authorize the Employment of the Non-commissioned Officers.	

28&29 Vict.—*cont.*

c. 48. in part. An Act to supply Means towards defraying the Expenses of providing Courts of Justice and the various Offices belonging thereto; and for other Purposes - - - - - - } in part; namely,—
Section Sixteen from "and for the Purpose" to the end of that Section.
Section Seventeen from "and if the Residue" to the end of that Section.

c. 50. in part. An Act for regulating the keeping of Dogs, and for the Protection of Sheep and other Property from Dogs, in Ireland - - - - - } in part; namely,—
Section Two.
Sections Six and Eleven, the words "after the Commencement of this Act".
Section Eighteen.
Section Twenty, the words "after the Commencement of this Act".

c. 54. in part. An Act to alter the Days between which Pheasants may not be killed in Ireland - - - } in part; namely,—
Section One.

c. 62. An Act to provide for the Exemption of Churches and Chapels in Scotland from Poor Rates.

c. 66. in part. An Act to allow the charging of the Excise Duty on Malt according to the Weight of the Grain used - } in part; namely,—
Sections One, Thirteen, and Fourteen.

c. 70. in part. An Act to alter the Distribution of the Constabulary Force in Ireland, and to make better Provision for the Police Force in the Borough of Belfast - } in part; namely,—
Section One to "this Act", and from "and all Persons" to "accordingly".
Sections Nine and Fourteen.

c. 75. in part. An Act for facilitating the more useful Application of Sewage in Great Britain and Ireland - - } in part; namely,—
The Schedule, so far as it relates to Ireland.

c. 77. in part. An Act to amend the Act of the Twenty-seventh and Twenty-eighth Victoria, Chapter Sixty-four, commonly called "The Public House Closing Act, 1864" - - - - - } in part; namely,—
Section Four.

c. 79. in part. An Act to provide for the better Distribution of the Charge for the Relief of the Poor in Unions - } in part; namely,—
Section Three from "Provided" to the end of that Section.

c. 89. in part. An Act to provide for the better Government of Greenwich Hospital, and the more beneficial Application of the Revenues thereof - - - } in part; namely,—
Sections Four and Fourteen.
Section Fifteen to "this Act".
Section Thirty-three from "(inclusive" to "this Act)".
Section Thirty-four.
The Schedule.

c. 90. in part. An Act for the Establishment of a Fire Brigade within the Metropolis - - - - } in part; namely,—
Section Thirteen from "the First of such" to the end of that Section.
Section Fifteen from "on the Thirtieth" to "Sixty-six, and" and the word "succeeding".
Section Thirty-four.

c. 95. An Act to amend the Law relating to the Duties on Sugar, and the Drawbacks on those Duties.

28 & 29 Vict.—*cont.*		
c. 96. in part.	An Act to amend the Laws relating to the Inland Revenue - - - - - - - Section Twenty-four.	in part; namely,—
c. 98. in part.	An Act to allow British Compounded Spirits to be warehoused upon Drawback - - - Section Fourteen.	in part; namely,—
c. 99. in part.	An Act to confer on the County Courts a limited Jurisdiction in Equity - - - - Section Thirteen from "Provided also" to the end of that Section. Section Twenty-three.	in part; namely,—
c. 104. in part.	An Act to amend the Procedure and Practice in Crown Suits in the Court of Exchequer at Westminster; and for other Purposes - - - Section Four from "General Rules" to the end of that Section. Sections Twenty-nine, Thirty-three, Forty-five, and Fifty-three. The Third Schedule.	in part; namely,—
c. 105.	An Act to continue the Poor Law Board for a limited Period.	
c. 107. in part.	An Act to continue certain Turnpike Acts in Great Britain - - - - - - - Section One. The Schedule.	in part; namely,—
c. 118. in part.	An Act to continue and amend the Peace Preservation (Ireland) Act, 1856 - - - Section Three.	in part; namely,—
c. 119.	An Act for continuing various expiring Acts.	
c. 121. in part.	An Act to amend "The Salmon Fishery Act, 1861" - Sections Forty-three to Forty-six, Forty-eight, Fifty to Fifty-two, Fifty-four, and Fifty-five. The Second Schedule.	in part; namely,—
c. 122. in part.	An Act to amend the Law as to the Subscriptions and Declarations to be made and Oaths to be taken by the Clergy of the Established Church of England and Ireland - - - - Section Four from "according to the Form" to the end of that Section. Section Fifteen. The Schedule.	in part; namely,—
c. 123.	An Act to apply a Sum out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the Year ending Thirty-first March One thousand eight hundred and sixty-six, and to appropriate the Supplies granted in this Session of Parliament.	
c. 126. in part.	An Act to consolidate and amend the Law relating to Prisons - - - - - Section Thirty-five from "1st. That this" to "sixty-six". Section Sixty-nine. Section Seventy-four, Sub-section Three.	in part; namely,—
29 & 30 Vict. c. 1.	An Act to empower the Lord Lieutenant or other Chief Governor or Governors of Ireland to apprehend, and detain for a limited Time, such Persons as he or they shall suspect of conspiring against Her Majesty's Person and Government.	
c. 6.	An Act to apply the Sum of One million one hundred and thirty-seven thousand seven hundred and seventy-two Pounds out of the Consolidated Fund to the Service of the Year ending the Thirty-first Day of March One thousand eight hundred and sixty-six.	

29 & 30 Vict.-*cont.*		
c. 9.	An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.	
c. 10.	An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore.	
c. 11. in part.	An Act for the Cancellation of certain Capital Stocks of Annuities standing in the Names of the Commissioners for the Reduction of the National Debt Sections Four and Five.	in part; namely,—
c. 13.	An Act to apply the Sum of Nineteen Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and sixty-six.	
c. 16.	An Act for facilitating the public Exhibition of Works of Art in certain Exhibitions.	
c. 19. in part.	An Act to amend the Law relating to Parliamentary Oaths - - - - - - - Section One, as to the Form of Oath thereby prescribed. Section Six. The Schedule.	in part; namely,—
c. 20.	*An Act the title of which begins with the words,*—An Act to indemnify William Forsyth, Esquire,—*and ends with the words,*—Standing Counsel to the Secretary of State in Council of India.	
c. 25. in part.	An Act to consolidate and amend the several Laws regulating the Preparation, Issue, and Payment of Exchequer Bills and Bonds - - - Section Three from "Provided also" to the end of that Section.	in part; namely,—
c. 35. in part.	An Act for the better Prevention of Contagious Diseases at certain Naval and Military Stations - Section Three. Sections Six and Seven, the words "on the Commencement of this Act".	in part; namely,—
c. 36. in part.	An Act to grant, alter, and repeal certain Duties of Customs and Inland Revenue, and for other Purposes relating thereto - - - - Section One so far as it relates to Schedules (B.) and (C.) and from "shall respectively" to "the same". Section Two from "or as regards" to "provided)" and from "Provided always" to the end of that Section. Sections Three to Seven. Schedule (A.) from "the Duties of Customs now charged" to "Tea - - the Lb. 0 0 6". Schedule (C.)	in part; namely,—
c. 37. in part.	An Act to amend an Act of the Fifty-fourth Year of King George the Third, Chapter One hundred and twenty-three, to prevent Frauds and Abuses in the Trade of Hops - - - - - Section Twenty-one.	in part; namely,—
c. 41. in part.	An Act to amend the Nuisances Removal and Diseases Prevention Act, 1860 - - - Section One.	in part; namely,—
c. 46. in part.	An Act to authorize the Town Council of Belfast to levy and pay Charges in respect of extra Constabulary - - - - - - Sections One and Two.	in part; namely,—
c. 60.	*An Act the title of which begins with the words,*—An Act to defray the Charge of the Pay, —*and ends with the words,*—to authorize the Employment of the Non-commissioned Officers.	

29 & 30 Vict.—*cont.*

c. 62. in part.	An Act to amend the Law relating to the Woods, Forests, and Land Revenues of the Crown -	in part; namely,— Section Four.
c. 64. in part.	An Act to amend the Laws relating to the Inland Revenue - - - - - -	in part; namely,— Section Five to "is also hereby repealed, and". Sections Twelve and Fourteen.
c. 82. in part.	An Act to amend the Acts relating to the Standard Weights and Measures and to the Standard Trial Pieces of the Coin of the Realm - - -	in part; namely,— Section Fourteen. The Schedule.
c. 88. in part.	An Act to validate certain Licences granted in Ireland for the Establishment of Oyster Beds - -	in part; namely,— Sections Three and Six.
c. 90. in part.	An Act to amend the Law relating to the Public Health - - - - - -	in part; namely,— Section Fifty-seven, Sub-section Three. Section Sixty-one, Sub-section Five. Section Sixty-nine. The Second Schedule.
c. 91.	An Act to apply a Sum out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the Year ending Thirty-first March One thousand eight hundred and sixty-seven, and to appropriate the Supplies granted in this Session of Parliament.	
c. 95. in part.	An Act to enable the Public Works Loan Commissioners to make temporary Advances to Railway Companies in Ireland - - - -	in part; namely,— Section Four, Sub-section One, Sub-section Three from "at a Time" to "Date of the Advance", and Sub-section Four.
c. 97. in part.	An Act further to promote the Cultivation of Oysters in Ireland, and to amend the Acts for that Purpose	in part; namely,— Section Four.
c. 99. in part.	An Act to reduce the Number of Judges in the Landed Estates Court in Ireland, and to reduce the Duties payable under the Record of Title and Land Debentures Acts - - - -	in part; namely,— Section Four from "and so much" to the end of that Section.
c. 100. n part.	An Act for the Amendment of the Laws relating to Prisons - - - - - -	in part; namely,— Section One, the words "have been or" and from "have previously" to "incurred or". Section Three to "passing of this Act until the Time of the Payment thereof".
c. 101. in part.	An Act to make further Provision respecting the Fees payable in the Superior Courts of Law at Westminster, and in the Offices belonging thereto, and respecting the Salaries of certain Officers of those Courts - - - - -	in part; namely,— Section One. Sections Two, Three, and Four, the words "from and after the said Day". Section Five from "to commence" to "sixty-six, and". Section Six.
c. 102.	An Act to continue various expiring Acts.	

29 & 30 Vict.—*cont.*	
c. 103. in part.	An Act to amend an Act to consolidate the Laws relating to the Constabulary Force in Ireland - } in part; namely,— Section Two, Paragraphs Six to Ten, Twelve, and Fifteen, and from "Provided always" to the end of that Section. Sections Three to Five. Section Ten from "and also" to the end of that Section. Section Thirteen.
c. 104. in part.	An Act to guarantee the Liquidation of Bonds issued for the Repayment of Advances made out of Public Funds for the Service of the Colony of New Zealand - - - - - } in part; namely,— Section Four. Repealed as to all Her Majesty's Dominions.
c. 105. in part.	An Act to continue certain Turnpike Acts in Great Britain, and to make further Provision concerning Turnpike Roads - - - - - } in part; namely,— Section One. The Schedule.
c. 108. in part.	An Act to amend the Law relating to Securities issued by Railway Companies - - - } in part; namely,— Section Four from "and the First" to "sixty-six" and the words "(including the First)".
c. 109. in part.	An Act to make Provision for the Discipline of the Navy - - - - - - - } in part; namely,— Section Ninety-nine. Repealed as to all Her Majesty's Dominions.
c. 111. in part.	An Act to further amend the Acts relating to the Ecclesiastical Commissioners for England - } in part; namely,— Section Sixteen from "Provided, that if" to "sixty-five". Section Seventeen from "so much" to "in lieu thereof". Section Twenty-one.
c. 112. in part.	An Act to make Provision in regard to the Mode of taking Evidence in Civil Causes in the Court of Session in Scotland - - - - } in part; namely,— Section Three, the words "or of the Lords Ordinary".
c. 117. in part.	An Act to consolidate and amend the Acts relating to Reformatory Schools in Great Britain - - } in part; namely,— Section Thirty-seven. Section Thirty-eight from "and to all" to "or any of them", the words "and such Offenders had been sent thereto", and from "with this Qualification" to the end of that Section.
c. 118. in part.	An Act to consolidate and amend the Acts relating to Industrial Schools in Great Britain - - } in part; namely,— Section Three. Section Fifty-four from "and to all" to the end of that Section. The Schedule.
c. 119.	*An Act the title of which begins with the words,*—An Act to continue the Act of the Twenty-ninth Year,—*and ends with the words,*—conspiring against Her Majesty's Person and Government.
30 & 31 Vict. c. 1.	*An Act the title of which begins with the words,*—An Act to further continue the Act,—*and ends with the words,*—conspiring against Her Majesty's Person and Government.
c. 4.	*An Act the title of which begins with the words,*—An Act to apply the Sum of Three hundred,—*and ends with the words,*—One thousand eight hundred and sixty-seven.

30 & 31 Vict.—*cont.*

c. 5. in part.	An Act to repeal the Duties of Assessed Taxes on Dogs, and to impose in lieu thereof a Duty of Excise - - - - - - -	in part; namely,— Sections One and Two. Section Three to "Taxes".
c. 6. in part.	An Act for the Establishment in the Metropolis of Asylums for the Sick, Insane, and other Classes of the Poor, and of Dispensaries; and for the Distribution over the Metropolis of Portions of the Charge for Poor Relief; and for other Purposes relating to Poor Relief in the Metropolis - -	in part; namely,— Sections Sixty and Seventy-eight.
c. 7.	An Act to apply the Sum of Seven million nine hundred and twenty-four thousand Pounds out of the Consolidated Fund to the Service of the Year ending the Thirty-first Day of March One thousand eight hundred and sixty-eight.	
c. 8.	An Act for facilitating in certain Cases the Proceedings of the Commissioners appointed to make Inquiry respecting Trades Unions and other Associations of Employers or Workmen.	
c. 10.	An Act to amend the Law relating to the Duties and Drawbacks on Sugar.	
c. 11.	An Act to facilitate the Recovery of Arrears of Alimony in certain Cases under Decrees and Orders of the Provincial and Diocesan Courts in Ireland.	
c. 13.	An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.	
c. 14.	An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore.	
c. 15. in part.	An Act for the Abolition of certain Exemptions from Local Dues on Shipping and on Goods carried in Ships - - - - - - -	in part; namely,— Section Six.
c. 23. in part.	An Act to grant and alter certain Duties of Customs and Inland Revenue, and for other Purposes relating thereto - - - - -	in part; namely,— Section One, so far as it relates to Schedules (A.) and (C.), and from "and the said Duties" to "passing of this Act". Section Two, the words "Customs Duties and" and from "and relating" to "sixty-seven". Section Three. Section Nine from "2nd. Any Policy" to the end of that Section. Section Nineteen. Schedules (A.), (C.), and (D.)
c. 25.	*An Act the title of which begins with the words,*—An Act to further continue the Act,—*and ends with the words,*—conspiring against Her Majesty's Person and Government.	
c. 27. in part.	An Act to allow Warehoused British Spirits to be bottled for Home Consumption - - -	in part; namely,— Section Six.
c. 30.	An Act to apply the Sum of Fourteen million Pounds out of the Consolidated Fund to the Service of the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-eight.	
c. 31.	An Act for raising the Sum of One million seven hundred thousand Pounds by Exchequer Bonds for the Service of the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-eight.	

30 & 31 Vict.—*cont.*		
c. 34. in part.	An Act for limiting the Period of Enlistment in Her Majesty's Army - - - - -	in part; namely,—
	Sections One and Three. Section Eight from "and the Provisions" to the end of that Section. So much of Section Nine and the Schedule as relates to attestation. Section Ten to "Provided always, that". And, except as to soldiers enlisted before the 9th day of August 1870, Sections Two, Four, and Six, Section Seven to "awarded against him", and the residue of Sections Nine, Ten, and the Schedule.	
c. 44. in part.	An Act to amend the Constitution, Practice, and Procedure of the Court of Chancery in Ireland -	in part; namely,—
	Section Ten. Section Twenty-seven from "but reserving" to the end of that Section. Section Twenty-eight, the words "save in the temporary Manner herein-after provided". Section Twenty-nine. Section Thirty-nine from "except" to "reference, and"; also from "Provided always," to the end of that Section, so far as that part of the Section relates to masters in ordinary. Sections Forty-two, Forty-four, Forty-eight, and Fifty-two. Section One hundred and ninety-one, the words "as well as the Income of all Suitors Fee or other Funds." Section One hundred and ninety-five from "save" to the end of that Section. Schedule (A.)	
c. 47. in part.	*An Act the title of which begins with the words,*—An Act to amend the Companies Act, 1862,—*and ends with the words,*—Satisfaction on Crown Debts and on Judgments - - - - -	in part; namely,—
	Section One.	
c. 52. in part.	An Act to alter and amend the Acts relating to the British White Herring Fishery - - -	in part; namely,—
	Sections Nine, Ten, and Thirteen.	
c. 55.	An Act to enlarge for the present Year the Time within which certain Certificates regarding Lunatics in Scotland may be granted.	
c. 68. in part.	An Act to provide for the better Despatch of Business in the Chambers of the Judges of the Superior Courts of Common Law - - - -	in part; namely,—
	Section Five.	
c. 74.	An Act to extend the "Trades Union Commission Act, 1867."	
c. 80. in part.	An Act to define the Duties of the Assessor of Railways in Scotland in making up the Valuation Roll of Railways, and to amend in certain respects the Valuation of Lands (Scotland) Acts - -	in part; namely,—
	Sections Eleven and Twelve.	
c. 82. in part.	An Act to alter certain Duties and to amend the Laws relating to the Customs - - -	in part; namely,—
	Section Six from "Provided always," to "Foreign Goods". Section Twenty-seven. The Schedule.	
c. 84. in part.	An Act to consolidate and amend the Laws relating to Vaccination - - - - -	in part; namely,—
	Section Thirty-six.	
c. 85. in part.	An Act to include the whole of the Burgh of Galashiels within the County, Sheriffdom, and Commissariat of Selkirk - - - -	in part; namely,—
	Section Three.	

30 & 31 Vict.—*cont.*

c. 87. in part.

An Act to facilitate the Transaction of Business in the Chambers of the Judges of the High Court of Chancery, and in the Offices of the Registrars and Accountant General of the said Court, and in Lunacy - - - - - - } in part; namely,—

Section Two, the words "and to the Funds out of which such Salaries are to be paid".

Section Three.

Section Nine from "Fund standing" to "or the other", from "and also, so long" to "One hundred Pounds", and from "by the Act of the Fifth" to "eighty-seven."

Section Ten from "Provided also," to the end of that Section.

c. 89. in part.

An Act to render perpetual an Act passed in the Session holden in the Twenty-seventh and Twenty-eighth Years of Her present Majesty, intituled An Act to permit for a limited Period Compositions for Stamp Duty on Bank Post Bills of Five Pounds and upwards in Ireland - - - - } in part; namely,—

Section One from "and the said" to the end of that Section.

c. 90. in part.

An Act to alter certain Duties and to amend the Laws relating to the Inland Revenue - - } in part; namely,—

Section Six from "Provided" to the end of that Section.

Section Seven.

Section Nine from "a Licence" to "Chocolate, or".

Section Ten, the words "Coffee, Tea, Cocoa-nuts, Chocolate," (wherever they occur).

Sections Eleven and Thirteen.

Schedule (A.)

c. 92.

An Act the title of which begins with the words,—An Act to defray the Charge of the Pay,—*and ends with the words,*—authorize the Employment of the Non-commissioned Officers.

c. 102. in part.

An Act further to amend the Laws relating to the Representation of the People in England and Wales - - - - - - } in part; namely,—

Section Seven, the First and Second Provisoes.

Section Eight.

Section Nineteen from "and, until otherwise" to "said Schedule (B.)", except so far as that part of the Section relates to the Hartlepools.

Section Twenty from "notwithstanding" to "present Parliament".

Section Twenty-one from "until" to "Parliament".

Section Twenty-two from "notwithstanding" to "present Parliament".

Section Twenty-three from "and until" to "said Schedule", so far as that part of the Section relates to East Somerset, Mid Somerset, and the Northern Division and Mid Division of the West Riding of Yorkshire; also from "notwithstanding" to "present Parliament".

Section Thirty-three, so far as relates to North Devonshire, North-east Essex, the West Kent Division of West Kent, South Lincolnshire, and the Northern Division and Mid Division of the West Riding of Yorkshire.

Section Thirty-eight from "and the Register" to the end of that Section.

Section Forty-five, so far as it provides that the form of declaration prescribed by 24 & 25 Vict. c. 53. s. 2. shall apply to elections of members for the University of London.

Sections Forty-eight and Fifty-four.

Section Fifty-five from "in the Case of a Parish" to the end of that Section.

Section Sixty.

30&31 Vict. c.102. in part—*cont.*	Schedule A. so far as relates to the boroughs of Honiton, Thetford, and Wells. Schedule B., the word "Temporary" in the heading to column 3, and the rest of that column, except so far as relates to the Hartlepools. Schedule D., the word "temporarily" in the heading to column 3, and the rest of that column so far as relates to East Somerset, Mid Somerset, and the Northern Division and Mid Division of the West Riding of Yorkshire; and the word "temporarily" in the heading to column 4, and the rest of that column so far as relates to North Devonshire, North-east Essex, the West Kent Division of West Kent, South Lincolnshire, and the Northern Division and Mid Division of the West Riding of Yorkshire.	
c. 103. in part.	An Act for the Extension of the Factory Acts -	in part; namely,— The temporary modifications in the Schedule.
c. 106. in part.	An Act to make the Poor Law Board permanent, and to provide sundry Amendments in the Laws for the Relief of the Poor - - -	in part; namely,— Sections One and Sixteen.
c. 110. in part.	An Act to consolidate and amend the Acts for rendering effective the Service of Chelsea and Naval Out-Pensioners and Pensioners of the East India Company, and for establishing a Reserve Force of Men who have been in Her Majesty's Service - - - - -	in part; namely,— Section Twenty from "and any Offence" to the end of that Section.
c. 114. in part.	An Act to extend the Jurisdiction, alter and amend the Procedure and Practice, and to regulate the Establishment of the Court of Admiralty in Ireland	in part; namely,— Sections Four, Five, Eight, Twenty-six, and One hundred and twenty.
c. 117. in part.	An Act to amend the Industrial and Provident Societies Acts - - - - -	in part; namely,— Sections One and Ten.
c. 120.	An Act to apply a Sum out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the Year ending the Thirty-first Day of March One thousand eight hundred and sixty-eight, and to appropriate the Supplies granted in this Session of Parliament.	
c. 121. in part.	An Act to continue certain Turnpike Acts in Great Britain, to repeal certain other Turnpike Acts, and to make further Provisions concerning Turnpike Roads - - - - - -	in part; namely,— Section One. The Schedules.
c. 122. in part.	An Act for the Application of Surplus Fees paid by Suitors in the Superior Courts of Law and other Courts towards the Expenses of providing the intended Courts of Justice; and for other Purposes	in part; namely,— Sections Seven and Twelve.
c 124. in part.	An Act to amend the Merchant Shipping Act, 1854	in part; namely,— Sections Two and Three.
c. 127. in part.	An Act to amend the Law relating to Railway Companies - - - - -	in part; namely,— Section Thirty-seven.
c. 129. in part.	An Act to alter and regulate the Official Establishment of the High Court of Chancery and of the Superior Courts of Common Law in Ireland -	in part; namely,— Section Eight from "John Reilly" to "abolished, and"; from "and if there" to "Place or Places"; and from "and any Instrument" to the end of that Section.

30 & 31 Vict. c. 129. in part—*cont.*	Section Twenty-six from "and the Office" to "abolished". Section Forty from "and any Instrument" to the end of that Section. Section Fifty-one from "Provided always" to the end of that Section. Section Fifty-two from "and the Clerk" to the end of that Section. Schedule II., the words "J. Reilly, Esq., 1,300*l.*, M. J. Brady, Esq., 800*l.*"
c. 134. in part.	An Act for regulating the Traffic in the Metropolis, and for making Provision for the greater Security of Persons passing through the Streets, and for other Purposes - - - - - } in part; namely,— Section Seventeen, Regulation One. Sections Twenty-one and Twenty-nine.
c. 138.	An Act to authorize the Extension of the Period for Repayment of Advances made under the Railway Companies (Ireland) Temporary Advances Act, 1866.
c. 141. in part.	An Act to amend the Statute Law as between Master and Servant - - - - - } in part; namely,— Section Three from "but any Proceedings" to the end of that Section.
c. 142. in part.	An Act to amend the Acts relating to the Jurisdiction of the County Courts - - - } in part; namely,— Sections Six, Thirty-three, and Thirty-six. Schedule (C.)
c. 143.	An Act to continue various expiring Laws.
c. 146. in part.	An Act for regulating the Hours of Labour for Children, Young Persons, and Women employed in Workshops; and for other Purposes relating thereto - - - - - - - } in part; namely,— The temporary exceptions in the Schedule.
31 & 32 Vict. c. 1.	An Act to apply the Sum of Two million Pounds out of the Consolidated Fund to the Service of the Year ending the Thirty-first Day of March One thousand eight hundred and sixty-eight.
c. 2.	An Act to grant to Her Majesty additional Rates of Income Tax.
c. 4. in part.	An Act to amend the Law relating to Sales of Reversions - - - - - } in part; namely,— Section Three from "and shall not" to the end of that Section.
c. 5. in part.	An Act for the Amendment of "The Metropolitan Streets Act, 1867" - - - - } in part; namely,— Section One from "and so much" to the end of that Section. Section Two.
c. 6.	An Act to forbid the Issue of Writs for Members to serve in this present Parliament for the Boroughs of Totnes, Reigate, Great Yarmouth, and Lancaster.
c. 7.	*An Act the title of which begins with the words,*—An Act to further continue the Act,—*and ends with the words,*—conspiring against Her Majesty's Person and Government.
c. 10.	*An Act the title of which begins with the words,*—An Act to apply the Sum of Three hundred,—*and ends with the words,*—One thousand eight hundred and sixty-eight.
c. 13.	An Act to apply the Sum of Six million Pounds out of the Consolidated Fund to the Service of the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-nine.
c. 14.	An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.
c. 15.	An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore.

31 & 32 Vict.—*cont.*		
c. 16.	An Act to apply the Sum of Seventeen million Pounds out of the Consolidated Fund to the Service of the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-nine.	
c. 18.	An Act to give further Time for making certain Railways.	
c. 27.	An Act for raising the Sum of One million six hundred thousand Pounds by Exchequer Bonds for the Service of the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-nine.	
c. 28. in part.	An Act to grant certain Duties of Customs and Income Tax - - - - - - Except Section Five.	in part; namely,—
c. 30. in part.	An Act to amend the Act of the Seventh and Eighth Years of the Reign of Victoria, Chapter Forty-four, relating to the Formation of quoad sacra Parishes in Scotland, and to repeal the Act of the Twenty-ninth and Thirtieth Years of the Reign of Victoria, Chapter Seventy-seven - - - Section One.	in part; namely,—
c. 38. in part.	An Act for the Appropriation of certain unclaimed Shares of Prize Money acquired by Soldiers and Seamen in India - - - - - Section Two to "Six calendar Months next after the passing of this Act; and".	in part; namely,—
c. 46. in part.	An Act to settle and describe the Limits of certain Boroughs and the Divisions of certain Counties in England and Wales, in so far as respects the Election of Members to serve in Parliament - Sections Thirteen and Fourteen.	in part; namely,—
c. 48. in part.	An Act for the Amendment of the Representation of the People in Scotland - - - - Section Twelve from "notwithstanding" to "present Parliament". Section Twenty from "and the Provision" to the end of that Section. Section Thirty to "Payment; and". Section Thirty-one from "Provided always" to the end of that Section. Section Fifty-two. Section Fifty-three from "in the case of a County" to the end of that Section.	in part; namely,—
c. 49. in part.	An Act to amend the Representation of the People in Ireland - - - - - Section Fifteen. Section Nineteen to "repealed; and". Section Twenty.	in part; namely,—
c. 50. in part.	An Act to amend the Acts for the Administration of Prisons in Scotland in so far as regards the County of Lanark; and for other Purposes - - Sections Six and Eight.	in part; namely,—
c. 55. in part.	An Act to provide for the Collection by means of Stamps of Fees payable in the Supreme and Inferior Courts of Law in Scotland, and in the Offices belonging thereto; and for other Purposes relative thereto - - - - - - Section Ten.	in part; namely,—
c. 58. in part.	An Act to amend the Law of Registration so far as relates to the Year One thousand eight hundred and sixty-eight, and for other Purposes relating thereto - - - - - - Section Three from "except" to the end of that Section.	in part; namely,—

31&32Vict.-*cont.*

c. 59. in part. An Act to amend the Law relating to Reformatory Schools in Ireland - - - - } in part; namely,—
Section Thirty-two.
Section Thirty-three from "and to all Offenders" to "repealed", from "and such" to "thereto", and from "with this" to the end of that Section.

c. 63. An Act to enable Commissioners appointed to inquire into the Failure of the Bank of Bombay to examine Witnesses on Oath in the United Kingdom.
Repealed as to all Her Majesty's Dominions.

c. 64. in part. An Act to improve the System of Registration of Writs relating to Heritable Property in Scotland - } in part; namely,—
Section Four.
Schedule A., No. 1 and No. 2.

c. 67. in part. An Act to amend the Law relating to the Funds provided for defraying the Expenses of the Metropolitan Police - - - - - } in part; namely,—
Section Four to "repealed; and".

c. 72. in part. An Act to amend the Law relating to Promissory Oaths - - - - - - } in part; namely,—
Section Six from "and such" to the end of that Section.
Section Fourteen, Sub-section seven, from "with this" to the end of that Sub-section.
Section Sixteen.

c. 73. An Act to relieve certain Officers employed in the Collection and Management of Her Majesty's Revenues from any legal Disability to vote at the Election of Members to serve in Parliament.

c. 76. *An Act the title of which begins with the words,*—An Act to defray the Charge of the Pay,—*and ends with the words,*—authorize the Employment of the Non-commissioned Officers.

c. 77. in part. An Act to amend the Law relating to Appeals from the Court of Divorce and Matrimonial Causes in England - - - - - - } in part; namely,—
Section Two.
Section Six from "provided nevertheless" to the end of that Section.

c. 82. in part. An Act to abolish the Power of levying the Assessment known as "Rogue Money," and in lieu thereof to confer on the Commissioners of Supply of Counties in Scotland the Power of levying a "County General Assessment" - - - } in part; namely,—
Section Two from "Provided" to the end of that Section.

c. 85. An Act to apply a Sum out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the Year ending the Thirty-first Day of March One thousand eight hundred and sixty-nine, and to appropriate the Supplies granted in this Session of Parliament.

c. 94. An Act to authorize the further Extension of the Period for Repayment of Advances made under the Railway Companies (Ireland) Temporary Advances Act, 1866.

c. 95. in part. An Act to amend the Procedure in the Court of Justiciary and other Criminal Courts in Scotland } in part; namely,—
Sections Twenty and Twenty-one.

c. 96. in part. An Act to amend the Procedure in regard to Ecclesiastical Buildings and Glebes in Scotland - } in part; namely,—
Section Twenty-five.

31 & 32 Vict.—*cont.*		
c. 97. in part.	An Act to make Provision for the Audit of Accounts of District Lunatic Asylums in Ireland - -	in part; namely,— Sections Two and Three. Section Five from "after" to "Act". Section Six to "Act".
c. 99. in part.	An Act to continue certain Turnpike Acts in Great Britain, to repeal certain other Turnpike Acts, and to make further Provision concerning Turnpike Roads - - - - - -	in part; namely,— Sections One to Five and Eight. The Schedules.
c. 100. in part.	An Act to amend the Procedure in the Court of Session and the Judicial Arrangements in the Superior Courts of Scotland, and to make certain Changes in the other Courts thereof - -	in part; namely,— Sections Eighty, One hundred and four, and One hundred and seven.
c. 101. in part.	An Act to consolidate the Statutes relating to the Constitution and Completion of Titles to Heritable Property in Scotland, and to make certain Changes in the Law of Scotland relating to Heritable Rights	in part; namely,— Section Fifty-two, the words "and Clerk to the Presenter of Signatures in Exchequer" (wherever they occur), and the word "both". Section Fifty-eight to "presented to such Sheriff after the Commencement of this Act; and". Section Ninety-two. Section Ninety-six, the words "or of the Presenter of Signatures", "or to the Presenter of Signatures, as the Case may be", and "or from the Presenter of Signatures, as the Case may be".
c. 102. in part.	An Act to alter the Qualifications of the Electors in Places in Scotland under the "General Police and Improvement (Scotland) Act, 1862," or under the Act Thirteen and Fourteen Victoria, Chapter Thirty-three, and to amend the said Acts in certain other respects - - - -	in part; namely,— Section Eight.
c. 108. in part.	An Act to amend the Laws for the Election of the Magistrates and Councils of Royal and Parliamentary Burghs in Scotland - - -	in part; namely,— Sections Seven and Eighteen.
c. 109. in part.	An Act for the Abolition of compulsory Church Rates - - - - - -	in part; namely,— Section Four.
c. 110. in part.	An Act to enable Her Majesty's Postmaster General to acquire, work, and maintain Electric Telegraphs	in part; namely,— Section Twenty-four.
c. 111.	An Act to continue various expiring Laws.	
c. 117. in part.	An Act to amend the District Church Tithes Act, 1865, and to secure Uniformity of Designation amongst Incumbents in certain Cases - -	in part; namely,— Section One.
c. 119. in part.	An Act to amend the Law relating to Railways -	in part; namely,— Section Thirty-seven from "and the Provisions" to the end of that Section. Sections Forty-six and Forty-seven. The Second Schedule.

31 & 32 Vict.—*cont.* c. 120. in part.	An Act to relieve the Consolidated Fund from the Charge of the Salaries of future Bishops, Archdeacons, Ministers, and other Persons in the West Indies - - - - - - -	in part; namely.—
	Section One from "and all the Powers" to "repealed". Repealed as to all Her Majesty's Dominions.	
c. 123. in part.	An Act to amend the Law relating to Salmon Fisheries in Scotland - - - - -	in part; namely,—
	Sections Sixteen, Forty-two, and Forty-three.	
c. 125. in part.	An Act for amending the Laws relating to Election Petitions, and providing more effectually for the Prevention of corrupt Practices at Parliamentary Elections - - - - - -	in part; namely,—
	Section Fifty from "but until" to the end of that Section. Section Fifty-four from "Provided" to the end of that Section.	
c. 128. in part.	An Act to extend the Provisions of the Act Twenty-eighth and Twenty-ninth Victoria, Chapter One hundred and thirteen, to Persons who have held the Office of Lord High Commissioner of the Ionian Islands. The whole Act, except as to any Pension heretofore granted.	

CHAPTER 67.

An Act to amend the Laws relating to Private and District Lunatic Asylums in Ireland.

[2d August 1875.]

WHEREAS the Private Lunatic Asylums (Ireland) Act, 1842, was passed with the object of amending for a limited period therein specified the law relating to private lunatic asylums in Ireland, and the same was amended by an Act passed in the session of Parliament held in the eighth and ninth years of the reign of Her present Majesty, chapter one hundred and seven, (in this Act referred to as "the Act of 1845,") and by the Private Lunatic Asylums (Ireland) Act, 1874, which said Acts are in this Act referred to as "The Private Lunatic Asylums (Ireland) Acts, 1842 to 1874:"

And whereas the Private Lunatic Asylums (Ireland) Acts, 1842 to 1874, were to a certain extent temporary in their duration, but in so far as they are temporary in their duration have been continued until the thirty-first day of December one thousand eight hundred and seventy-five, and it is expedient further to amend the said Acts, and to make the same perpetual:

And whereas under the provisions of an Act passed in the session of Parliament held in the first and second years of the reign of His late Majesty King George the Fourth, intituled "An Act to make more effectual provision for the establish-" ment of Lunatic Asylums for the Lunatic Poor, and for the

" custody of Insane Persons charged with offences in Ireland," and of the Acts amending the same, district lunatic asylums and a central criminal lunatic asylum have been established in Ireland, and it is expedient further to amend the said Acts:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as "The Lunatic Asylums (Ireland) Act, 1875." Short title.

2. The term "licensed house" in this Act means any house duly licensed for the reception of insane persons in pursuance of the Private Lunatic Asylums (Ireland) Act, 1842. Interpretation.

The term "district lunatic asylum" in this Act means any district lunatic asylum established in Ireland under the provisions of the said Act of the session of the first and second years of the reign of His late Majesty King George the Fourth, and the Acts amending the same.

The term "the Lord Lieutenant" shall mean the Lord Lieutenant or other chief governor or governors of Ireland for the time being.

3. Every proprietor and superintendent of a licensed house, and every other person by the Private Lunatic Asylums (Ireland) Act, 1842, authorised to receive or take charge of a lunatic upon an order, and who shall receive, or has received, a proper order, in pursuance of the said Act, accompanied with the required medical certificates or certificate, for the reception or taking charge of any person as a lunatic, and the assistants and servants of such proprietor, superintendent, or authorised person, shall respectively have power and authority to take charge of, receive, and detain such patient until he shall die, or be removed or discharged by due authority, and in case of the escape at any time or times of such patient to retake him at any time within fourteen days after such escape, and again to detain him as aforesaid. Power to detain lunatics in asylums and to retake them.

In every writ, indictment, information, action, and other proceeding which may be preferred or brought against any such proprietor or superintendent of a licensed house, or against any other person authorised as aforesaid, or against any assistant or servant of any such proprietor, superintendent, or authorised person, for taking, confining, detaining, or retaking any person as a lunatic, the person complained of may plead such order and certificates or certificate in defence to any such writ, indictment, information, action, or other proceeding as aforesaid, and such order and certificates or certificate shall, as respects such person, be a justification for taking, confining, detaining, or retaking such lunatic or alleged lunatic.

Power to detain lunatics in district lunatic asylums and to retake them.

4. The board of governors, or the resident medical superintendent of any district lunatic asylum, or the medical officer acting for him in his absence as superintendent of such district lunatic asylum, who shall receive a lunatic into such district lunatic asylum in accordance with the rules and regulations made by the Lord Lieutenant and Privy Council in Ireland with respect to such district asylum and then in force, and the officers and servants of such district lunatic asylum, shall respectively have power and authority to take charge of, receive, and detain such patient until he shall die, or be removed or discharged by due authority, and in case of the escape at any time or times of such patient to retake him at any time within fourteen days after such escape, and again to detain him as aforesaid.

In every writ, indictment, information, action, and other proceeding which may be preferred or brought against any such board of governors, or any member or members thereof, or against any resident medical superintendent, or any medical officer acting for him in his absence, or any officer or servant of any district lunatic asylum, for admitting, taking charge of, receiving, detaining, confining, or retaking as aforesaid any person as a lunatic, the board or person complained of may plead that such patient was admitted into such district lunatic asylum pursuant to the provisions of the rules or regulations aforesaid; and the fact of such admission shall, as respects such board or person respectively, be a justification for admitting, taking charge of, receiving, detaining, confining, or retaking such lunatic or alleged lunatic.

Order and medical certificates may be amended.

5. If after the reception of any lunatic patient it appear that the order or the medical certificate, or (if more than one) both or either of the medical certificates upon which such lunatic patient was received, is or are in any respect incorrect or defective, such order and medical certificate or certificates may be amended by the person signing the same at any time within fourteen days next after the reception of such lunatic patient: Provided nevertheless, that no such amendment shall have any force or effect unless the same shall receive the sanction of the inspectors of lunatics, or of one of such inspectors.

Provision as to defective order or certificates.

6. Where any order or medical certificate, or, if more than one, both or either of the medical certificates upon which a lunatic patient has been received, is deemed by the inspectors of lunatics incorrect or defective, and the same is or are not duly amended to their satisfaction within seven days after the receipt by the person who shall have received such lunatic patient of a direction or writing from the said inspectors requiring the amendment of the same, the inspectors or one of them may, if they or he think fit, make an order for the discharge of such lunatic patient.

7. The proprietor or superintendent of any licensed house may, with the consent in writing of one of the inspectors of lunatics, take or send under proper control any patient to any specified place for any definite time for the benefit of his health; and any such consent may from time to time be renewed, and the place varied: Provided always, that before any such consent shall be given or renewed, the approval in writing of the person who signed the order for the reception of such patient, or by whom the last payment on account of such patient was made, shall be produced to such inspector, unless he shall, on cause being shown, dispense with the same.

Proprietor of licensed house with consent of inspectors, may take or send patient to any place for his health.

8. One of the inspectors of lunatics as regards any licensed house, and three of the governors met as a board of any district lunatic asylum as regards such district lunatic asylum, may, from time to time, of his or of their own authority, permit any patient therein to be absent from such licensed house or district lunatic asylum upon trial for such period, not exceeding thirty days, as he or they may think fit, and such three of the governors of such district lunatic asylum may make or order to be made an allowance during any such period to any such patient of such district lunatic asylum, not exceeding what would be the charge for him in such district lunatic asylum, which allowance shall be charged for him and be payable as if he were actually in such district lunatic asylum, but shall be paid over to him or for his benefit as the said governors may direct.

Patients may be permitted to be absent on trial from licensed houses and district lunatic asylums.

In case any person so allowed to be absent on trial for any period do not return at the expiration thereof, and a medical certificate as to his state of mind certifying that his detention as a lunatic is no longer necessary be not sent to the proprietor or superintendent of such licensed house, or to the resident medical superintendent of such district lunatic asylum, he may at any time within fourteen days after the expiration of the same period be retaken, as in case of an escape.

9. The guardians of any poor law union in Ireland may, with the consent of the Local Government Board and the inspectors of lunatics, and subject to such regulations as they shall respectively prescribe, receive into the workhouse of such union any chronic lunatic, not being dangerous, who may have been received into a district lunatic asylum, and selected by the resident medical superintendent thereof and certified by him to be fit and proper so to be removed, upon such terms as may be agreed upon between the said guardians and the board of governors of any such asylum, and thereupon every such lunatic, so long as he shall remain in such workhouse, shall continue a patient on the books of the asylum for and in respect of all the provisions of an Act passed in the session of Parliament held in the first and second years of the reign of His late Majesty King George the Fourth, intituled "An

Transfer of lunatics from asylums to workhouses.

"Act to make more effectual provision for the establishment "of asylums for the lunatic poor, and for the custody of insane "persons charged with offences in Ireland," and the Acts amending the same, so far as they relate to lunatics and insane persons received into district lunatic asylums; and any expenses incurred by the board of governors in respect of such lunatic in such workhouse shall be deemed part of the expenses of such district lunatic asylum, and shall be paid by the governors out of the moneys applicable to the payment of such expenses.

Lunatics removed from gaols to district asylums to be treated, after expiration of sentence, as ordinary patients.

10. Every person who, in pursuance of the second section of the Act of the session of Parliament held in the first and second years of Her Majesty's reign, chapter twenty-seven, shall have been removed from a gaol to a district lunatic asylum, and who shall not have been duly certified to have become of sound mind, shall from and after the expiration of his sentence be regarded and treated in all respects as if he had been admitted into such asylum as an ordinary patient, and may be by the governors of such asylum, in their discretion, discharged or placed in the care of his friends in the same manner as any such ordinary patient.

Pauper patient on discharge to be forwarded in certain cases to workhouse.

11. Whenever any person being a pauper patient in any district lunatic asylum may be lawfully discharged from such asylum, the board of governors of such asylum shall, unless such patient be otherwise discharged, forward such patient to the workhouse of the union from which he was sent to such asylum, and shall pay the expenses of such removal, and the guardians of the said union shall repay to the said board of governors the expenses so paid by them as aforesaid.

Lunatics in central asylum whose sentences have expired to be removed to district asylum

12. It shall be lawful for the Lord Lieutenant to order that any person confined in the central criminal lunatic asylum established in pursuance of the Act of 1845, and who shall not have been duly certified to be of sound mind, shall, on the expiration of his sentence, be removed to the district lunatic asylum established for the district to which it shall appear to the said Lord Lieutenant that such person properly belongs, and to determine to which county or county of a city or town comprised in such district the maintenance of such person in the district asylum shall be charged; and every such person, when so removed, shall be regarded and treated in all respects as if he had been admitted into such asylum as an ordinary patient, and may be by the governors thereof in their discretion discharged or placed in the care of his friends in the same manner as any ordinary patient.

A prisoner under remand certified to be insane, to be removed to district lunatic

13. It shall be lawful for the Lord Lieutenant, by warrant under his hand, to order that any person who shall have been remanded by a justice or justices of the peace for further examination, and who during the period of such remand shall be certified by two physicians or surgeons or a physician and a

surgeon to be of unsound mind, shall be removed to the district lunatic asylum established for the district in which such person shall be confined; and such person shall when so removed remain under confinement in such asylum until it shall be in like manner certified that such person has become of sound mind, whereupon the Lord Lieutenant is hereby authorised to issue his warrant directing that such person be remitted to the prison or place of confinement from which he was removed to the asylum, and be brought before the justices before whom he was ordered in the warrant of remand to be brought for further examination.

asylum, and when sane be removed back for further examination.

14. Notwithstanding anything in section ten of the Act of the session of Parliament held in the thirtieth and thirty-first years of the reign of Her present Majesty, chapter one hundred and eighteen, to the contrary, it shall be lawful for any two justices causing any person to be examined by any medical officer as therein mentioned, if they think fit so to do, to make an order under their hands and seals upon the guardians of the union to which such person belongs, for the reasonable remuneration to such medical officer and for the payment of all other reasonable expenses in or about the examination of such person, not exceeding in the whole the sum of two pounds.

All moneys so ordered to be paid by the guardians of such union shall respectively be advanced, paid, and raised in like manner as any other moneys required for supporting and maintaining the destitute poor of such union.

Amendment of 30 & 31 Vict. c. 118. s. 10. as to payment to medical officers for examination of lunatics.

15. The Private Lunatic Asylums (Ireland) Acts, 1842 to 1874, as amended by this Act, shall, in so far as the same are temporary in their duration, be and the same are hereby made perpetual.

Private Lunatic Asylums (Ireland) Acts, 1842 to 1874, made perpetual.

16. Where any person shall be confined in any district lunatic asylum as a patient, it shall be lawful for a court of summary jurisdiction, in case it shall be proved to the satisfaction of such court that such patient has an estate applicable to his maintenance and more than sufficient to maintain his family (if any), by order to require the relation or other the person in receipt of the income of such patient, within one month after the service of such order, to pay the charges of the examination, removal, lodging, maintenance, clothing, medicine, and care of such patient, and within one month from the times in such order respectively specified, to continue to pay, so long as such patient shall remain in such district lunatic asylum, the charges which may from time to time be incurred in respect of the lodging, maintenance, clothing, medicine, and care of such patient in such district lunatic asylum; and in case such charges shall not be paid within the times by this section respectively prescribed, it shall be lawful for the resident medical superintendent of such district lunatic asylum to make such application under "The Lunacy Regu-

Property of lunatic in district lunatic asylum to be available for his maintenance.

Liability of relations in certain cases.

lation (Ireland) Act, 1871," to the Lord High Chancellor of Ireland, intrusted by virtue of the Queen's sign manual with the care or commitment of the persons and estates of persons found idiot, lunatic, or of unsound mind, as he may be advised, or to apply to a court of summary jurisdiction, and thereupon it shall be lawful for such court, on proof of the service of such order and of the non-payment of such charges respectively in accordance with the terms of such order, by an order to direct the resident medical superintendent or any officer of such district lunatic asylum to seize so much of any money, and to seize and sell so much of the goods and chattels, and to take and receive so much of the rents and profits of the lands and tenements of such patient, and other income of such patient, as may be necessary to pay such charges, accounting for the same to such court, such charges having been first proved to the satisfaction of such court, and the amount of such charges being set forth in such order; and if any trustee or other person having the possession, custody, or charge of any property of such patient, or if the Governor and Company of the Bank of Ireland, or any other body or person having in their or his hands any stock, interest, dividend, or annuity belonging to or due to such patient, pay any money according to any such order to any person authorised to receive the same to defray such charges, the receipt of the person authorised to receive such money shall be a good discharge to such trustee, governor, and company, or other body or person as aforesaid.

In case any such patient shall not have an estate applicable for the payment of such charges as aforesaid, then and in such case any person who under the Acts for the relief of the destitute poor in Ireland, or under any other Act, would be liable to maintain or support such patient, or to contribute to the maintenance or support of such patient, if such patient were not in such district lunatic asylum, shall be liable to pay or to contribute to such charges according to his ability, and it shall be lawful for a court of summary jurisdiction, on the application of the resident medical superintendent of such district lunatic asylum, and after seven days notice of such application to the person so liable, to make an order for the payment from time to time of such charges, or such part thereof as to such court shall seem just, and in case of non-payment of such charges, or such part thereof according to the terms of such order, payment of the same shall be recoverable by the resident medical superintendent in like manner as penalties are recoverable under the Acts for the relief of the destitute poor in Ireland.

The term "court of summary jurisdiction" means, in the police district of Dublin metropolis, a divisional justice of such district acting under the provisions of the Acts regulating the powers and duties of justices of the peace for such district,

or of the police of such district; and elsewhere, two or more justices of the peace sitting in petty sessions, subject and according to the provisions of "The Petty Sessions (Ireland) Act, 1851," and any Act amending the same.

CHAPTER 68.

An Act for making further Provision respecting the Department of Science and Art.

[11th August 1875.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. Any lands or any interest therein may be granted or devised to and taken by the Department of Science and Art, for the purposes of their charter, or for any educational or public purposes, and may be held by them accordingly subject to the control of Parliament, and may be sold or disposed of by them when the trusts on which they hold the same are consistent with such sale or disposition: Provided that the Department of Science and Art, before accepting any such grant or devise, shall obtain the consent in writing of the Commissioners of the Treasury or any two of them to their so doing. Power for Department to take lands by grant or devise, and sell, &c.

2. This Act may be cited as The Department of Science and Art Act, 1875. Short title.

CHAPTER 69.

An Act to consolidate and amend certain Laws relating to the Militia of the United Kingdom.

[11th August 1875.]

WHEREAS it is expedient that certain laws applicable to the Militia of the United Kingdom, while the same is raised by voluntary enlistment, should be consolidated and amended:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short Title. Interpretation.

1. This Act may be cited as "The Militia (Voluntary Enlistment) Act, 1875." Short title.

Interpretation of terms

2. In this Act—

The following words and expressions shall have the meanings hereby assigned to them respectively, unless there be something in the subject or context repugnant to such construction:

"The Secretary of State" means one of Her Majesty's Principal Secretaries of State:

"The Secretary of State for War" means Her Majesty's Principal Secretary of State for the time being for the War Department:

"The Lord Lieutenant" means the Lord Lieutenant of Ireland and includes the lords justices or other chief governors or governor of Ireland for the time being:

"County" means county at large, or riding, or part of any such county for which a distinct quota of militiamen is now appointed, and the cities of Edinburgh, Dublin, Cork, and Limerick respectively, inclusive of all cities and towns being counties of themselves which are locally situated within any such county, riding, or part other than the cities herein-before particularly mentioned:

"Parish" includes a place annexed to a parish for all civil parochial purposes as if the same were part of the parish to which it is annexed:

"Lieutenant" means Her Majesty's Lord Lieutenant of any county, and includes any Vice-Lieutenant, also, save as herein otherwise provided, the Commissioners of Lieutenancy of the city of London, also the Governor of the Isle of Wight, the Warden of the Cinque Ports, the Warden of the Stannaries, the Constable of the Tower, and any other officer or officers, however named, having a jurisdiction in relation to the Militia similar to that of the Lord Lieutenant of a county:

"Commanding officer" means colonel (except an honorary colonel), lieutenant-colonel, commandant, or major, according to the establishment of the regiment:

"Captain" includes any other commanding officer of a company:

"Justice" means justice of the peace:

"Militia" means the regular Militia of the United Kingdom:

"Regiment" means regiment of Militia, and includes battalion, corps, and company:

"Permanent staff" means the adjutant and such other commissioned officers and such non-commissioned officers and drummers as may for the time being be commissioned or attested thereto:

"Non-commissioned officer" includes corporal.

"Drummer" includes a musician of any kind receiving pay in the Militia:

Any expression meaning or referring to any officer, non-commissioned officer, drummer, man, recruit, or deserter

means such officer, non-commissioned officer, drummer, man, recruit, or deserter in or from the Militia:

"Mutiny Act" means the Act for punishing mutiny and desertion, and for the better payment of the army and their quarters, for the time being in force:

"Articles of War" means the Articles of War for the time being in force under the authority of the Mutiny Act:

"Royal warrant" includes any Act of Parliament having by law the same effect as if embodied in a Royal Warrant.

Appointment and Powers of Lieutenants and Deputy Lieutenants of Counties.

Appointment of lieutenants of counties and certain towns, &c.

3. It shall be lawful for Her Majesty with regard to Great Britain, and for the Lord Lieutenant with regard to Ireland, from time to time to appoint lieutenants for the several counties in the United Kingdom, and for the town and county of the town of Haverfordwest, the county of the city of Waterford, and the town and county of the town of Galway.

Appointment of deputy lieutenants.

4. Subject to the other provisions of this Act the lieutenants shall from time to time appoint such persons as they think fit, living within their respective counties, cities, or towns, to be their deputy lieutenants.

Within the city of Edinburgh the lieutenant of the said city, or when there is no lieutenant appointed, then the chief magistrate thereof, shall appoint the deputy lieutenants, subject to the other provisions of this Act.

Appointments to be subject to Her Majesty's or Lord Lieutenant's approbation.

5. The lieutenants shall certify to Her Majesty, or, in Ireland, the Lord Lieutenant, the names of persons to be so appointed deputy lieutenants, and it shall not be lawful for any lieutenant to grant a commission to any person until it has been signified to the lieutenant by the Secretary of State, or in Ireland by the Chief or Under Secretary to the Lord Lieutenant, that Her Majesty, or the Lord Lieutenant (as the case may be), does not disapprove of the granting of such commission.

Number of deputy lieutenants.

6. In England twenty deputy lieutenants at least shall be appointed within every county, and in Ireland so many deputy lieutenants shall be appointed within every county, and every city or town for which deputy lieutenants are to be appointed, as the Lord Lieutenant from time to time determines, if so many persons can be found duly qualified in England and Ireland respectively, but if not, then as many persons so qualified as can be found within the county shall be appointed such deputy lieutenants.

Provision for absence or disability of lieutenant.

7. If the lieutenant of any county, city, or town be absent from the United Kingdom, or otherwise incompetent or unable to act, or where there is no lieutenant, Her Majesty with

regard to Great Britain, and the Lord Lieutenant with regard to Ireland, may authorise any three deputy lieutenants of such county, city, or town to do all acts which might lawfully have been done by the lieutenant, and such deputy lieutenants authorised as aforesaid, while so authorised, shall for all purposes stand in the place of the lieutenant.

Vice-lieutenants may be appointed.

8. It shall be lawful for the lieutenant of any county, city, or town, with the approbation of Her Majesty in Great Britain or of the Lord Lieutenant in Ireland, to appoint any deputy lieutenant to act for him within the county, city, or town, as vice-lieutenant thereof, during the absence from the county, sickness, or other disability of such lieutenant, and no longer; and every such vice-lieutenant shall have authority to do all acts which might lawfully have been done by the lieutenant, and shall for all purposes stand in the place of the lieutenant, without prejudice to the authority of Her Majesty to make other provision for this purpose under the foregoing enactment.

Property qualifications for deputy lieutenants.

9. Every person appointed a deputy lieutenant shall, unless he be a peer of the realm or heir apparent of such peer and have a place of residence within the county, city, or town for which he is appointed, have the property qualification hereinafter mentioned, that is to say,—

he shall be in possession for his own benefit of an estate for his own life or the life of another, or of some greater estate, in land or heritages in the United Kingdom of the yearly value of two hundred pounds;

or be heir apparent of some person who is in possession as aforesaid of a like estate in like property of the like yearly value;

Income of personal estate in possession to be deemed equivalent to the yearly value of land.

Provided nevertheless, that for the purposes of the qualification aforesaid a clear yearly income arising from personal estate within the United Kingdom, of or to which personal estate or income any person appointed a deputy lieutenant is possessed or entitled, at law or in equity, in possession, for his own benefit, for his own life, or the life of another, or some greater estate or interest, shall be deemed equivalent to an estate in land or heritages of a yearly value of the same amount with such yearly income; and such yearly income from personal estate shall be admitted in whole or in part of any such qualification accordingly.

Qualification to be delivered to clerk of the lieutenancy or clerk of supply.

10. No person, not being qualified under this Act as a peer of the realm or heir apparent of such peer, shall be appointed to be a deputy lieutenant until he has delivered to the clerk of the lieutenancy of the county in England or Ireland, or town clerk of the city or town in Ireland, or to the clerk to the commissioners of supply of the county in Scotland, for which he is appointed a specific description in writing,

signed by himself, of his qualification, stating, where the same consists wholly or partially of an estate in land or heritages, the county and parish or parishes in which the land or heritages forming his qualification is or are situate, and, as to land in Ireland, the denominations of the land.

11. The clerk of the peace, or town clerk, or, in Scotland, clerk of supply, of every county, city, or town shall send to the lieutenant of the county, city, or town a copy of every description of a qualification delivered to him as herein required, and shall enter every such description on a roll to be kept for that purpose; and shall cause to be inserted in the London Gazette, or as to Ireland, in the Dublin Gazette, the dates of the commissions, and the names of the deputy lieutenants, in like manner as commissions in the army are published from the War Office; and he is hereby authorised to charge the expense of the insertion in the Gazette to the treasurer, or, in Scotland, to the collector of the land tax, of the county, city, or town, who shall pay the same.

Clerk of the peace or clerk of supply to send copies of qualifications to lieutenant, and enter same on a roll, and insert in Gazette dates of commissions, &c.

12. The clerk of the peace, or town clerk, or, in Scotland, clerk of supply, shall in the month of January in every year send to the Secretary of State, or, in Ireland, the Chief Secretary of the Lord Lieutenant, a complete account of the several descriptions of qualifications delivered to him, and the Secretary of State or Chief Secretary receiving such account shall cause copies thereof to be laid before both Houses of Parliament.

Return to Secretary of State and Parliament.

13. If any person act as deputy lieutenant, not being duly qualified, or not having delivered in the description of his qualification as herein required, he shall forfeit the sum of two hundred pounds:

one moiety of each such penalty to be paid to any person who may sue for the same;

and in any legal proceeding for recovery thereof the proof of qualification shall lie on the defendant or defender.

Penalty for acting as deputy lieutenant, &c. without being qualified, &c.

14. Where any person has acted as a deputy lieutenant without being duly qualified, or without having delivered in the description of his qualification as required by this Act, the acts of such person done in his office shall be as valid as if he had been duly qualified and had duly delivered in such description.

Acts of persons not qualified to be valid.

15. Whenever Her Majesty may think fit to signify Her pleasure to the lieutenant of any county, city, or town in the United Kingdom, or the Lord Lieutenant shall signify his pleasure to the lieutenant of any county, city, or town in Ireland, that all or any of the deputy lieutenants thereof be displaced, such lieutenant shall forthwith displace such deputy lieutenants, and appoint others in their stead, subject to the provisions of this Act.

Displacement of deputy lieutenants.

Commissions not to be vacated by revocation of appointment of grantor.

16. No commission of any deputy lieutenant shall be vacated by the revocation, expiration, or discontinuance of the commission or appointment of the lieutenant who granted it.

Powers, &c. of lieutenants and deputy lieutenants.

17. The lieutenant and deputy lieutenants respectively appointed under this Act for any county, city, or town shall have such jurisdiction, duties, powers, and privileges as are vested in the lieutenant and deputy lieutenants respectively for such county, city, or town under any existing Act of Parliament, except under any enactment repealed by this Act, but as regards Ireland, inclusive of all such powers as at the time of the passing of the Act of the first and second years of King William the Fourth, chapter seventeen, were vested in the governors and deputy governors respectively of counties or places in Ireland, so far as such powers are now in force

Number and Quotas of Militia.

Militia while ballot suspended to be raised under this Act.

Their number.

18. The Militia shall, during the suspension of the ballot, be raised and kept up according to the provisions of this Act.

And such number of private militiamen shall be so raised and kept up as may for the time being be provided by Parliament.

Quotas.

19. It shall be lawful for Her Majesty, with the advice of Her Privy Council, from time to time to appoint the quotas of militiamen to serve for the several counties of the United Kingdom.

Notice of the quota from time to time appointed for any county shall be transmitted to the lieutenant of such county and published in the London, Edinburgh, or Dublin Gazette, as the case may require.

Such quota shall be the quota of such county until another quota is appointed and notified in like manner.

Until another quota is appointed under this Act for any county the quota now appointed for such county shall continue.

Formation of Regiments. Uniting of Militia.

Her Majesty may direct into what regiments Militia shall be formed, and with what officers and staff.

20. It shall be lawful for Her Majesty from time to time to form the Militia of the several counties into such regiments as to Her Majesty may seem fit, and to direct what number of officers, and of what respective ranks, shall be appointed to such regiments, and what shall constitute the staff thereof:

Provided always, that where it appears to Her Majesty that the number of militiamen raised or to be raised for any county is insufficient to be conveniently formed into or continued as a separate regiment, it shall be lawful for Her Majesty to unite the Militia of such county with the Militia of any county adjoining, so long as the exigency of the case may appear to Her Majesty to require:

Provided also, that it shall be lawful for Her Majesty from time to time to unite portions of the Militia of two or more counties in order to form a corps of Militia artillery, and at any time to disunite the same.

Power to unite portions of Militias of counties to form artillery corps.

Appointment of Officers, &c.

21. All officers in the Militia shall be appointed by and hold commissions from Her Majesty; such commissions to be prepared, authenticated, and issued in the manner in which commissions of officers in Her Majesty's regular land forces are prepared, authenticated, and issued, according to any law or custom for the time being in force:

Appointments and commissions of officers.

But commissions or first appointments to the rank of sub-lieutenant or lieutenant in any regiment shall be given to persons recommended by the lieutenant of the county if a person to be approved by Her Majesty is recommended for any such commission or appointment by such lieutenant within thirty days after notice of a vacancy for such commission or appointment has been given to such lieutenant by the Secretary of State, by letter addressed to him by post:

Provided always, that where a regiment is formed of the united Militia or parts of the Militia of two or more counties, the recommendation for such commissions or first appointments shall be made by the lieutenants of the respective counties in such rotation or otherwise as the warrant or order uniting such Militia, or parts of Militia, may provide:

The officers so appointed for the Militia shall rank with the officers of Her Majesty's regular forces as youngest of their rank.

22. Every officer who accepts a commission or appointment of the same rank in any other regiment, thereby vacating his former commission, shall continue to rank in the Militia service according to the date of his commission or appointment so vacated.

Rank of officers accepting commissions in other regiments.

23. The enactments herein-after contained applying with modifications certain provisions of the Mutiny Act to recruits and recruiting for the Militia, and concerning the period for which Militia recruits are to be enlisted to serve, the effect of their being attested for service in the Militia, and the re-engagement of men enlisted in the Militia, shall, save as as herein-after otherwise provided, apply to every person appointed to the permanent staff, not being a commissioned officer.

Permanent staff.

24. Non-commissioned officers and men belonging to the regular forces may, in such cases, for such time, under such conditions, and generally in such manner as may be authorised by regulations of the Secretary of State, be attached to the permanent staff without being discharged from their existing engagement:

Men from the army may be attached to permanent staff.

Non-commissioned officers and men so attached shall, without being attested for the permanent staff, be deemed members thereof and subject to the same provisions as regards billeting, discipline, trial, and punishment as if they were, during the time for which they are so attached, duly attested members of such staff, and their service accordingly as members of such staff shall be equivalent to service under their engagement to serve in the regular forces.

Extra musicians may be kept at the expense of the commanding officer.

25. The commanding officer may, at his own expense, at any time keep up an additional number of drummers for the use of any regiment, and such additional drummers shall be deemed drummers within the meaning of this Act, and shall be subject to the same orders, regulations, penalties, and punishments as other drummers, and shall continue to serve as drummers so long as they receive from the commanding officer by whom they were appointed the same pay and clothing as other drummers, or better clothing in lieu thereof. and no longer.

Persons disqualified for permanent staff, &c

26. No person who keeps a house of public entertainment, or sells ale, wine, or brandy, or other spirituous liquors, by retail, shall be capable of being appointed or of serving or receiving pay as a member of the permanent staff, or as a non-commissioned officer not on such staff.

Pensions preserved.

27. No soldier receiving pension shall forfeit such pension during the time he serves in the Militia by reason of such service.

Discharge for misconduct of a member of the permanent staff formerly in the army, how to be certified.

28. If any person who has served in Her Majesty's other forces, and has afterwards been attested for the permanent staff of the Militia, be discharged therefrom for misconduct, the cause of his discharge shall be certified by the commanding officer of his regiment on the back of the certificate of his discharge from Her Majesty's other forces, and a copy of the certificate of such commanding officer shall be forwarded to the Adjutant General of Her Majesty's forces and the Secretary of State for War.

Command.

Command of Militia in the absence of superior officer

29. When the commanding officer of any regiment of Militia is absent on leave, the command of such regiment shall devolve without special authority from the Crown in accordance with the usual custom of the service.

Raising the Men.

Men how to be raised.

30. The number of private militiamen required to be raised and kept up under this Act shall from time to time be raised by voluntary enlistment, and shall be recruited by such officers, non-commissioned officers, and men, whether belonging to the Militia or to the army, as may be determined by Her Majesty.

31. The provisions of the Mutiny Act relating to the following matters connected with enlistment; that is to say,

Questions to be put to recruits on enlisting;

When recruits are deemed to be enlisted, and the billeting of recruits while remaining with the recruiting party;

When recruits are to be taken before a justice;

Dissent and relief from enlistment;

Attesting of recruits;

The restriction as to trial by court-martial of a recruit before attestation or receipt of pay, and the subjecting of an unattested person to punishment as a rogue and vagabond or otherwise;

As to the trial of an attested person, who has given any wilfully false answer to any question, or made any wilfully false statement in his declaration, either before two justices or before a court-martial;

As to any recruit absconding;

The punishment of persons subject to the Mutiny Act who wilfully act contrary to any of its provisions in any matter relating to the enlisting or attesting of recruits;

shall apply with reference to recruits and recruiting for the Militia, subject to the following modifications; that is to say,

For the words "soldier in Her Majesty's service," or "soldier," as the case may be, shall be substituted the word "militiaman";

For the words "oath of allegiance in the said form" shall be substituted the words "following oath, namely, I, *A.B.*, "do solemnly promise and swear that I will be faithful "to Her Majesty Queen Victoria, her heirs and successors, "and that I will faithfully serve in the Militia, in any "part of Great Britain and Ireland for the defence of the "same until I shall be discharged";

No recruit for the Militia shall be liable to be tried by court-martial, except during such time as the Mutiny Act shall be applicable to him under the provisions of the Mutiny Act, or under the provisions herein-after contained.

Provisions of Mutiny Act concerning recruits applied to recruits for the Militia.

32. Every Militia recruit shall be enlisted to serve in the Militia for the county for which he is raised as a militiaman for any period not exceeding six years, to be reckoned from the day on which the recruit is attested for service; and recruits attested for service in the Militia shall for the purposes of any enactment referring to persons enrolled in the Militia be deemed to be so enrolled.

Enlistment of men to serve for six years.

33. Any man enlisted in the Militia may, at any time during the period of his existing engagement, be re-engaged to serve in the Militia for a further period not exceeding six years from the date of his re-engagement.

Re-engagement.

34. No militiaman, who has before or after the passing of this Act received pay and been borne on the strength and pay

Militiamen not to claim dis-

charge on ground of error, &c. in enlistment, &c.

list of any regiment for one whole period of training and exercise, shall be entitled to claim his discharge on the ground of error or illegality in his enlistment or re-engagement, or on any ground whatsoever affecting the validity of his enlistment or re-engagement, but, on the contrary, every such militiaman shall be deemed to have been duly enlisted or re-engaged, as the case may be.

Discharge of Men.

Power to Secretary of State to discharge militiamen

35. It shall be lawful for the Secretary of State at any time to discharge any militiaman for misconduct, unfitness, or other cause, upon such conditions as he may from time to time direct, and such militiaman shall have no claim to future pay or bounty (if any).

Drill, Training, and Exercise.

Training of Militia recruits.

36. Men enlisted in the Militia shall attend at the head quarters of the regiment in which they are enlisted, or at such other place and at such time as may be directed by the Secretary of State, for preliminary training for a period of not more than six months.

Command and discipline of Militia recruits.

37. Militia recruits shall, during the period of their preliminary training, when the Militia battalions to which they belong are not for the time being out for training and exercise, be subject to the command of such officers, whether of the Militia or Her Majesty's regular forces, as may from time to time be appointed to serve with the force with which such recruits are being trained, and officers either of the Militia or of Her Majesty's regular forces shall be competent to sit on any court-martial appointed for the trial of any such recruit for an offence committed by him during the period of his preliminary training, whether such court-martial be holden during such period or at any time after its expiration.

Militia may voluntarily be attached to the army for instruction.

38. Any officer or non-commissioned officer or private of the Militia may, with the consent of the Secretary of State, and with his own consent, be attached for a time for the purpose of instruction to any portion of Her Majesty's regular forces, and shall for such time be deemed to be under the command of the officer commanding the same.

Period and times and places of training and exercise.

39. Save as herein otherwise provided, the Militia shall be trained and exercised for not less than twenty-one days and not more than twenty-eight days in every year, at such times and at such places in any part of the United Kingdom as Her Majesty may appoint;

and for that purpose may be called out once or oftener in every year.

Time of training may be extended by Her Majesty after

40. When any regiment is actually assembled for training and exercise, or after notices to the men of any regiment to attend training and exercise have been given, it shall be

lawful for Her Majesty to extend the period of such training and exercise for a period not exceeding, with the time for which such regiment has been called out, the period of fifty-six days; and in any such case fresh notices to attend training and exercise shall not be necessary:

Militia is called out.

All provisions applicable to such Militia during the time of training and exercise shall be applicable to such regiment during such extended period as if the notices for calling out such regiment for such training and exercise had been given for such extended period, and had been authorised by law.

41. Her Majesty may from time to time, with the advice of Her Privy Council,—

Her Majesty may, by Order in Council, extend or reduce period of training, or suspend training in any year.

order that the period of training and exercise in any year of all or any part of the Militia be extended, but so that the whole period of training and exercise be not more than fifty-six days;

or order that the period of training and exercise in any year of all or any part of the Militia be reduced to such time as to Her Majesty with the advice aforesaid may seem fit;

or order that in any year the calling out of all or any part of the Militia for the purpose of being trained and exercised be dispensed with.

42. Her Majesty may attach any officer of the regular forces to any regiment during, and for the purpose of assisting in, the training and exercise thereof; and such officer while so attached shall obey the commands of the superior officers in the Militia as his superior officers, and exercise all the power and authority of a Militia officer in such regiment, but retain the same relative rank with respect to the officers of Militia as an officer of Her Majesty's regular forces is entitled to according to this Act; and any non-commissioned officer of the regular forces shall, while employed to assist in the training and exercise of any regiment, obey the commands of the superior officers of the Militia as his superior officers, and exercise all the power and authority of a Militia non-commissioned officer in such regiment.

Power to attach officers of regular forces to militia regiments during training.

43. Where any person in the Militia is sent to head quarters or elsewhere, or attached to any regiment of Her Majesty's regular forces, for purposes of preliminary training or of instruction, the time of his attendance for such purposes shall not be reckoned in computing the period for which he may be liable to be called out or kept assembled for training and exercise.

Time of drill not to be reckoned, &c.

Embodying of the Militia.

44. In case of imminent national danger or of great emergency it shall be lawful for Her Majesty (the cause being first communicated to Parliament, if Parliament be then sitting, or declared in Council, and notified by proclamation, if Parlia-

In what event and how Militia to be embodied.

ment be not sitting) to order the whole or any part of the Militia to be drawn out and embodied and to give all necessary directions for the assembling of such Militia and otherwise.

Parliament to be assembled within ten days, when Militia is ordered to be embodied.

45. Whenever Her Majesty orders the Militia to be drawn out and embodied as aforesaid, if Parliament be then separated by such adjournment or prorogation as will not expire within ten days, a proclamation shall be issued for the meeting of Parliament within ten days, and Parliament shall accordingly meet and sit upon the day appointed by such proclamation, and shall continue to sit and act in like manner as if it had stood adjourned or prorogued to the same day.

Where part only of Militia embodied in first instance, further part may be embodied afterwards.

46. Where the order of Her Majesty does not apply to the whole of the Militia, Her Majesty may from time to time, while any part of the Militia remains embodied, order the drawing out and embodying of all or any part of the Militia to which the previous order or orders for embodiment did not apply.

When all the Militia of a county is embodied, all officers, &c. to join.

47. Whenever the whole of the Militia of any county is ordered to be embodied, all the officers and non-commissioned officers and drummers of every régiment of such county shall join the regiment to which they respectively belong, at the time and place appointed for the assembling of such Militia.

Provision for case of part only of Militia of a county being embodied.

48. Whenever part only of the Militia of any county is embodied under any order of Her Majesty for that purpose, Her Majesty may order what proportion and description of officers, non-commissioned officers, and drummers shall accompany such part, and regulate the formation thereof, and also regulate the number and duties of the remaining officers, non-commissioned officers, and drummers of such Militia.

Militia not to be ordered out of United Kingdom.

49. Save as herein otherwise provided, no part of the Militia shall be carried or ordered to go out of the United Kingdom.

Her Majesty may accept voluntary offers of Militia to serve in Malta, the Channel Islands, Isle of Man, and Gibraltar.

50. It shall be lawful for Her Majesty to employ in the Islands of Malta, Guernsey, Jersey, Alderney, and Sark, the Isle of Man, and the garrison of Gibraltar, or any of them, such part of the Militia as may make a voluntary offer, duly certified by their respective commanding officers, so to extend their services, and as Her Majesty may think proper to permit to extend their services in consequence of such voluntary offers as aforesaid;

and it shall be lawful for Her Majesty to direct the commanding officer of any regiment, to propose to such regiment to extend their services to the said islands, isle, and garrison under such rules and regulations as Her Majesty may think fit and appoint;

and no person shall be compelled to make an offer to serve as aforesaid, or be engaged so to serve, except by his own consent;

and no commanding officer shall certify any voluntary offer previously to his having explained to every person offering so to serve that the offer is to be purely voluntary on his part.

Disembodying of Militia.

51. It shall be lawful for Her Majesty, from time to time as she may think fit, to disembody the whole or any part of the Militia embodied under this Act, and from time to time again to re-embody all or any part of the Militia so disembodied, as to Her Majesty may seem necessary, according to the provisions of this Act.

Militia after being disembodied to be subject to former engagements.

52. When the Militia, or any part thereof, has been disembodied as aforesaid, and the officers and men thereof have been dismissed to their places of abode, all such officers and men shall until again embodied be subject to the same orders, directions, and engagements only as they were subject to under the provisions of this Act before they were embodied as aforesaid.

Provisions common to Training and Exercise and Embodiment.

Militia may be placed under general officers during training or embodiment.

53. Where the whole or any part of the Militia is called out for training, or is embodied, Her Majesty may place the Militia so called out or embodied, or any part thereof, under the command of such general officers as Her Majesty may appoint.

Notices of times and places of exercise and for meeting on embodiment to be sent by post.

54. Where the whole or any part of the Militia is called out for training, or is embodied, notices to the men enrolled in the Militia to attend training and exercise, or to attend at the time and place fixed for the assembling of the Militia so embodied, shall be sent by or by the order of the commanding officer of the regiment to which such men belong, by the post to the residences of the several men as stated on their attestations, or as subsequently notified by them:

Notices of such time and place, with directions to cause the same to be published in manner herein-after mentioned, shall also be sent by the like order, by post, to the following officers; (that is to say,)

In England, to the constables of the several parishes in which the residences of the private men of such Militia are situate, as ascertained as aforesaid; and where such residences are in the metropolitan police district, to the commissioner of police of the metropolis:

In Scotland, to the inspectors of the poor of the several parishes or divisions of parishes in which such residences are situate as aforesaid:

In Ireland, to the county inspector or other chief officer of the police of the county in which such residences are situate as aforesaid; and where such residences are in the police district of Dublin metropolis, to the chief commissioner of police:

Such notices to be also published on church doors, &c.

And such constables and inspectors respectively shall, within three days after the receipt of such notices, cause the same to be published in manner herein-after mentioned, in their parishes or divisions respectively, and such commissioner of police, county inspector, or chief officer of a county, shall, within the time aforesaid, after the receipt of such notices, cause the same to be published by the constables of the district or county in manner herein-after mentioned; such notices shall be published by the same, or copies thereof, being affixed on the doors or on the outer wall near the doors of all the churches and chapels and places of public worship in their said parishes or divisions respectively in England and Scotland, and in each parish or place in the said district or county in Ireland; and if any parish or place have no church, chapel, or place of public worship, then in such manner as public notices are therein usually made known in such parish, and on the doors or outer walls as aforesaid of all the churches, chapels, and places of public worship of some parish or place thereunto adjoining.

Any constable or inspector of the poor, commissioner of police, county inspector, or chief officer of a county, who neglects to cause such notices to be published in manner aforesaid, shall for every such offence, on conviction thereof before two justices, forfeit a sum not exceeding twenty pounds.

Any such notice so published as aforesaid shall be deemed a sufficient notice to every militiaman to whom the same applies, notwithstanding any omission in notice to him by post; and any militiaman not appearing at the time and place appointed in any such notice, shall be subject to be punished and dealt with accordingly.

Notices may be required to be served and published by the police.

55. The Secretary of State may require the chief officer of police in every or any district in the United Kingdom to cause to be served or published (as the case may be) within his district any notice the Secretary of State may desire to be served on any militiamen, or to be published in manner herein-before mentioned in such district.

All officers and men of every police force shall conform to the orders of the said Secretary of State, in relation to the service and publication respectively of such notices, through such officer.

Application of Mutiny Act and Articles of War.

Application of Mutiny Act and Articles of War to permanent staff, recruits, &c.

56. The Mutiny Act and Articles of War shall apply,—

to all persons receiving pay as members of the permanent staff of any regiment;

to all Militia recruits and other persons in the Militia receiving pay during the period of preliminary training when the Militia battalions to which they belong are not for the time being out for training and exercise;

and to all persons in the Militia who are attached for purposes of instruction or otherwise to a portion of Her Majesty's regular forces:

And all such persons shall for the purposes of the application of such Act and Articles be deemed to be part of the regular forces, in respect of billeting, discipline, trial, and punishment, and in respect of any offence committed while such Act and Articles are so applicable, may be tried, punished, and dealt with thereunder at any time, subject nevertheless to the provisions of such Act and Articles and this Act with respect to the constitution of courts-martial.

Application of Mutiny Act and Articles of War during training and embodiment.

57. Subject to the provisions of this Act, the Mutiny Act and Articles of War shall, during such time as any regiment is assembled for the purpose of being trained and exercised, or is embodied, be applicable to such regiment, and the officers, non-commissioned officers, drummers, and private men thereof, and to all persons whomsoever in respect thereof as fully as such Act and Articles may be applicable to and in respect of Her Majesty's regular forces, but so that no punishment in respect of any offence committed during such time as such regiment is assembled for the purpose aforesaid shall extend to loss of life.

Officers of the army not to sit on Militia trials, and vice versâ.

58. Save as in the Mutiny Act, or Articles of War, or this Act otherwise provided, no officer serving in Her Majesty's regular forces shall sit in any court-martial upon the trial of any person serving in the Militia, nor shall any officer serving in the Militia sit in any court-martial upon the trial of any person serving in Her Majesty's regular forces.

Desertion.

Men not attending for preliminary training or training, or when embodied, deemed deserters.

59. Any militiaman who, without leave lawfully granted, or sickness certified according to any regulations under this Act,—

does not appear at the time and place appointed for preliminary training, or deserts, or absents himself before the expiration of the period for which he is required to attend for that purpose; or—

does not appear at the time and place appointed for the training and exercise of his regiment, or deserts, or absents himself during the time of training and exercise; or—

does not, when ordered to be embodied, appear at the time and place appointed for the assembling of his regiment, and march in pursuance of any order or direction under this Act,—

shall be deemed a deserter.

Provision for apprehension of men absent from pre-

60. The names and descriptions of all militiamen belonging to any regiment who do not appear at the time and place appointed for preliminary training, or for the training and

liminary training or training and exercise.

exercise of such regiment, or who desert or absent themselves therefrom, as mentioned in the last preceding enactment, shall be notified to the Secretary of State for War, and to the constables or other officers of the parishes and places in which such militiamen reside by such officers, whether of the Militia or the regular forces, as the Secretary of State shall direct;

and it shall be lawful for any constable or other peace officer, or any officer or soldier in Her Majesty's service or in the Militia, to apprehend any such militiaman or cause him to be apprehended, and to bring him or cause him to be brought before any justice at any time within the period of his engagement in the Militia, to be dealt with according to law, or to be committed to safe custody until an escort can be sent for him, if he be a militia recruit, or if his regiment be then out for training and exercise;

and such justice shall transmit a report, in relation to such militiaman, to the Secretary of State for War, in such form as he may from time to time direct;

and such Secretary of State may cause to be paid to the person or persons by whom or by whose means such militiaman was apprehended and secured such sum, not exceeding twenty shillings, as such Secretary of State may think fit.

Militia recruit failing to attend recruit training liable afterwards to attend.

61. Any militiaman required to attend for preliminary training, who for non-attendance thereat, or deserting, or absenting himself therefrom is by this Act declared to be a deserter, shall be liable, whether he have or have not been punished for his offence, to attend at such time and place as may be directed, under any regulations of the Secretary of State, for such preliminary training for the like period for which he was originally required to attend for that purpose (notwithstanding he may have duly attended during any portion thereof), or for any less period.

Addition to term of service of militiamen absent from annual training.

62. Any militiaman who unlawfully absents himself during the whole of the time of training and exercise in any year, or during any part of such time exceeding fourteen days shall, whether he have or have not been punished for his offence, be liable to serve, after the expiration of the term for which he may have been enlisted, or would independently of this enactment be liable to serve, for an additional year for every annual period of training and exercise from or during which he so absents himself;

and in every such case the commanding officer shall make an entry on the enrolment book of his absence as aforesaid, and such entry shall be conclusive evidence of the fact of such militiaman having so absented himself.

Addition to term of service of deserters from embodied Militia.

63. Every deserter from any regiment which is embodied at the time of such desertion or afterwards, shall, whether he have or have not been punished for his offence, be liable to serve for an additional period equal to the time which may

have elapsed between the time of his desertion and the time when he is apprehended or voluntarily returns to his regiment; the period of such additional service to commence from the expiration of the period for which he was enlisted, or would independently of this enactment be liable to serve, or from the time of his apprehension or return, which may last happen.

Trial and Punishment of Deserters when Militia is neither embodied nor assembled for Training.

64. Every deserter from the Militia, and every person who under this Act is deemed a deserter, shall, whenever he is apprehended, and whether his term of service have or have not expired, unless his regiment be embodied or assembled for training and exercise, at the time he is brought to trial, or his trial and punishment is otherwise provided for by this Act, be tried and punished as follows; that is to say,

Deserters may, when Militia not embodied or assembled for training, be proceeded against summarily before justices, or tried by court-martial.

at any time within one month after his apprehension, unless it be shown to the justice or justices before whom he is proceeded against that the Secretary of State has, under the provision herein-after contained, ordered him to be tried by a regimental or detachment court-martial, be tried summarily by any justice or justices in any part of the United Kingdom where he may be when summary proceedings against him are instituted, and upon summary conviction before such justice or justices such deserter or person shall forfeit any sum not less than forty shillings and not more than twenty pounds, and in default of payment shall be committed to the common gaol or house of correction, to be imprisoned, with or without hard labour, for any time not less than two months and not more than six months;

and where the Secretary of State has, under the provision herein-after contained, ordered such deserter or person to be tried by a regimental or detachment court-martial, such deserter or person shall be tried by such court-martial and punished in manner provided for the punishment of deserters by the Mutiny Act and Articles of War with regard to persons subject to such Act and Articles who are tried by district court-martial, but so that no punishment shall extend to the loss of life.

65. The Secretary of State may from time to time, by any general or special regulations or directions, order any such deserter or person as mentioned in the last foregoing enactment, or any class or description of such offenders, with reference to the time of their being apprehended, or otherwise, to be tried by regimental or detachment court-martial as aforesaid.

Secretary of State may make regulations, &c. for trial of deserters by court-martial.

Court-martial after Periods of Training and Embodiment for Offences then committed.

Offences committed while Militia are assembled for training, or embodied, may be afterwards tried by court-martial;

66. Every person in the Militia who, during the period of training and exercise, or during the period of his regiment being embodied, has been guilty of any offence against any Act in force for the punishment of mutiny and desertion, or any Articles of War made in pursuance thereof, may be tried by a court-martial, and if found guilty may be punished for such offence, although he have been dismissed from training and exercise, or his regiment have been disembodied, in like manner as he might be tried and punished during the period of training and exercise or being embodied:

but charges to be made out and delivered within six months after training or being disembodied.

Provided always, that, save as in this Act otherwise provided, no person shall be tried or punished as aforesaid after he has been dismissed from training and exercise, or after his regiment is disembodied, unless the charges against him have been made out and delivered within six months after he has been dismissed from training and exercise, or after his regiment has been disembodied.

Courts-martial when Militia neither embodied nor assembled for training.

67. Whenever during the time a regiment is neither embodied nor assembled for training and exercise, it is necessary that a general, district or garrison court-martial should be held, it shall be lawful for Her Majesty to give the necessary directions for the holding of such court, and the officers required to form the court shall attend and form the same accordingly.

Regimental or detachment courts-martial may be appointed.

68. For holding a regimental or detachment court-martial during the time a regiment is neither embodied nor assembled for training and exercise, in any case in which such court-martial is proper, it shall be lawful for the commanding officer of the regiment to appoint any place which he thinks fit, and to order any officers of such regiment to attend and assist as members of such court-martial, who shall thereupon attend at the time required, and assist accordingly.

Consequences of officers not attending.

69. All officers who refuse or neglect to attend any such court-martial as aforesaid shall be liable to be tried by a general court-martial, to be assembled according to this Act, for such disobedience of orders;

Pay and allowance to officers.

and all officers attending to form any such court shall be entitled to pay during such attendance, and to such allowances for their travelling expenses in going to such court-martial and returning therefrom as the Secretary of State may by any regulations from time to time direct.

Court-martial how to proceed.

70. Every court-martial appointed as aforesaid shall be sworn and held in the same manner as if the Militia were embodied at the time of holding the said court-martial, and shall have the like powers and be of the same effect in all

respects as if the Militia from which the officers thereof are assembled was then embodied, save as in this Act otherwise provided.

Consequences of fraudulent Re-enlistment in Militia.

Fraudulent re-enlistment to be deemed desertion.

71. If any militiaman before the expiration of his engagement as a militiaman in any regiment enlist or offer to enlist himself in any other regiment of Militia raised in any part of the United Kingdom, or in the same regiment, (save in the way of lawful renewal of his engagement,) whether by the same or by different names, he shall be deemed a deserter.

Militiaman fraudulently re-enlisting to be subject to serve in any regiment in which he has enlisted, and to stoppages.

72. If any militiaman before the expiration of his engagement enlist or offer to enlist himself as a militiaman as aforesaid, he may, by order of the Secretary of State, be required to serve in any regiment of Militia in which he may have fraudulently enlisted or offered to enlist himself, and shall thereupon be liable to serve in such regiment, for the same term and in the same manner as if his enlistment therein had been lawful, or he had been lawfully enlisted pursuant to his offer;

and such order may be made upon any such militiaman in lieu of or in addition to any punishment to which he may be otherwise liable, whether he may have been tried by a court-martial or before a justice;

and every such offender shall forfeit all bounty (if any) due or which would have become due to him, and shall be subjected to such stoppages from his daily pay, and for such time, and to be applied in such manner, as the Secretary of State may direct, to meet the loss or expense occasioned by the fraudulent conduct of the offender.

The justice before whom a militiaman is convicted of re-enlistment in the Militia to send report of conviction to Secretary of State.

73. The justice before whom a militiaman is convicted of having enlisted or offered to enlist himself in another regiment of Militia, or more than once in the same regiment, shall send or cause to be sent to the Secretary of State for War, a report of such conviction, stating the name of such militiaman, the regiment to which he belongs, the offence of which he has been convicted, and the sentence or decision of the justice thereon, and where such militiaman is imprisoned in pursuance of such conviction, the period when the imprisonment will expire:

For such report as aforesaid the clerk of the said justice shall be entitled to a fee of two shillings and no more:

And the Secretary of State may cause to be paid to the person or persons by whom or by whose means the offender was apprehended and his conviction obtained such sum not exceeding twenty shillings as the Secretary of State may think fit.

Consequences of Militiaman's enlisting into the Regular Forces or entering the Navy, &c.

Enlistment or entry of a militiaman into land or sea forces void.

74. If any person knowingly enlist or enter any militiaman in Her Majesty's regular forces or royal marines, or into Her Majesty's Navy, or in or into any of Her Majesty's reserve or auxiliary forces, other than the Militia, except where by law authorised so to do, the enlistment or entry shall, save as herein otherwise provided, be null and void:

And if any militiaman enlisting or entering into any of the said forces other than the Militia deny or do not disclose to the person enlisting or entering him that he belongs to the Militia, he shall be deemed to have enlisted or entered fraudulently.

Fraudulent enlistment or entry into land or sea forces by militiaman punishable as desertion.

Militiamen enlisting or entering may be put under stoppages, &c. instead of being tried by court-martial as deserters.

75. If any militiaman fraudulently enlist or enter into any of the said forces other than the Militia, he shall be liable to be tried by court-martial and punished as for desertion from the service into which he has fraudulently enlisted or entered:

Provided always, that it shall be lawful for the Secretary of State to give such general directions as may from time to time appear to him necessary for placing any militiaman fraudulently enlisting or entering as aforesaid under stoppage of one penny a day of his pay for eighteen months in lieu of his being tried by court-martial as aforesaid, and in case such militiaman belonged to the Militia Reserve at the time of his attestation for placing him under a further stoppage of one penny a day for two hundred and forty days; and further to give general directions as to the manner in which such stoppages shall be applied, and whether, on making good the same, the man shall be returned to his Militia regiment, or be deemed to belong to the force in which he fraudulently enlisted or entered, in the same manner as if he had not been a militiaman at the time of his attestation or entry, in which latter case his service under such attestation or entry shall not be reckoned for pension, until the day on which his engagement for the Militia would have expired unless otherwise ordered under the Mutiny Act or other authority.

Where under such direction as aforesaid such militiaman is to belong to the force in which he fraudulently enlisted or entered, from the time of his attestation or entry, he shall be deemed released from further service in the Militia under his enlistment.

Permissive enlistment of militiamen in the regular forces.

76. The Secretary of State may, from time to time, by any general or special regulations or directions, authorise the enlistment of militiamen in Her Majesty's regular forces; and militiamen enlisting therein in conformity with such regulations or directions shall be deemed discharged from the Militia.

77. If any person enlist in the Militia any man who is enrolled in the Reserve Force established under the Reserve Force Act, 1867, or any Act repealing or amending the same, the enlistment of such man in the Militia, unless the same be authorised by the Secretary of State, shall be null and void;

Provision against enlistment in Militia of men belonging to the Reserve Force.

and any such man enlisting or offering to enlist himself in the Militia, without the authority of the Secretary of State, shall, in addition to any other punishment to which he may be liable, forfeit any sum not exceeding forty shillings, to be paid over and applied in such manner as the Secretary of State may direct, anything in any Act to the contrary notwithstanding;

and any person knowingly enlisting any such man in the Militia shall forfeit any sum not exceeding twenty pounds.

Provision as to Servants enrolled.

78. If any servant whatever, hired by the year or otherwise, be enlisted as a militiaman by virtue of this Act, such enlistment shall not vacate or rescind the contract or alter the engagement between such servant and his master or employer, unless the Militia of the county for which such servant is enlisted be embodied under this Act, or unless such person so enlisted leave the service of his master or employer for the purpose of preliminary training or training and exercise in pursuance of this Act, and do not return again to the same service at the end of the period of preliminary training or training and exercise, or as soon after as reasonably may be, but his master or employer shall be entitled to an abatement from his wages in proportion to the duration of his absence from his said service;

Enlistment of servants not to vacate their contracts with their masters unless the Militia be embodied, &c.;

and in every such case where any dispute arises between such servant and his master or employer touching any money due to such servant on account of service performed before his departure from service, by reason of the embodiment of the Militia in which he is enlisted, or touching any abatement to be made by such servant by reason of his absence for preliminary training or training and exercise, and the sum in question does not exceed the sum of twenty pounds, the same may be determined as follows:

and if any dispute arise touching wages affecting a sum under 20*l.* a justice may settle it in a summary way.

In England or Ireland, any justice for the county or place where such master or employer is resident may hear and determine the dispute in a summary way, and make such order for the payment of so much wages to such servant as, having regard to the service he has performed, or the duration of his absence from his service (as the case may require), may to such justice seem just and reasonable:

In Scotland, the sheriff of the county or any two or more justices for the county or place where such master or employer is resident may hear and determine the dispute

in a summary way, in like manner as if the sum claimed were within the amount to which their jurisdiction under the Acts for the recovery of small debts respectively for the time being extends, and grant warrant for the recovery of the sum decerned for by poinding and sale in common form.

Penalties for harbouring Deserters.

Penalty for inducing militiamen to absent themselves, or harbouring them, &c.

79. If any person by words or other means persuade any militiaman improperly to absent himself from his duty, or assist or procure any militiaman improperly to absent himself as aforesaid, or conceal, employ, or continue to employ any militiaman, knowing him to be so improperly absent, he shall for every such offence where the Militia to which such man belongs is not embodied, forfeit a sum not exceeding twenty pounds, and where such Militia is embodied forfeit a sum not exceeding one hundred pounds.

The Mutiny Act shall not apply to any offence punishable under this section.

Special Provisions as to Berwick-upon-Tweed, Isle of Wight, Tower Hamlets, London, Miners of Cornwall and Devon, and Cinque Ports.

As to Berwick-upon-Tweed.

80. For the purposes of this Act the borough and town of Berwick-upon-Tweed shall be deemed to be situate within the county of Northumberland.

Militia of Isle of Wight.

81. Save with respect to the appointment of officers the Militia of the Isle of Wight shall be deemed a part of the Militia of the county of Southampton; but shall remain within the said Isle as an internal defence thereof, unless Her Majesty otherwise order and direct.

Militia of the Tower Hamlets.

82. The liberty or district of the Tower Division in the county of Middlesex, commonly known by the name of the Tower Hamlets, shall be deemed a separate county for the purposes of this Act.

Militia of the city of London.

83. The city of London shall be deemed a separate county for the purposes of this Act, save that nothing in this Act concerning the appointment of lieutenants and deputy lieutenants of counties shall apply to the said city.

Miners of Cornwall and Devon.

84. A regiment of miners shall continue to be raised for the counties of Cornwall and Devon as part of the Militia of the United Kingdom, and the provisions of this Act shall be applicable for raising such regiment, and otherwise in relation thereto, in like manner as to the Militia of a separate county.

Provision as to the Cinque Ports.

85. Militia shall be raised and kept up for the Cinque Ports, two ancient towns, and their members, as part of the Militia of the United Kingdom, but separate from the Militia

of the several counties within which the said ports, towns, and members are situate; and the provisions of this Act shall be applicable for raising the Militia of the said ports, towns, and members, and otherwise in relation thereto, as to the Militia of a separate county.

Royal Warrants, &c. as to Pay, &c.

86. Subject to the provisions of this Act and any other Act of Parliament for the time being in force, Her Majesty may, by royal warrants, orders, and regulations, give directions as to the bounty, pay, promotion, clothing, and government of the Militia, and as to other matters and things relating to the Militia in the same manner and to the same extent in and to which Her Majesty may, by royal warrants, orders, and regulations, give directions as to the pay, promotion, and government of Her Majesty's regular forces, and other matters and things relating to Her Majesty's regular forces, copies of which warrants, orders, and regulations shall be laid before both Houses of Parliament within twenty-one days next after the making thereof if Parliament be then sitting, or if Parliament be not then sitting, then within twenty-one days after the next meeting thereof.

Power to Her Majesty to regulate the Militia by warrants and regulations, &c.

Recovery and Application of Penalties.

87. Every pecuniary penalty imposed by this Act exceeding the sum of twenty pounds shall be recovered by action in any of Her Majesty's Superior Courts of Law at Westminster or in Dublin, or any court substituted for the same respectively, or in the Court of Session in Scotland.

Recovery of penalties.

And any other pecuniary penalty imposed by this Act, the recovery of which is not herein otherwise provided for, shall be recovered as follows,—

In England or Ireland, such pecuniary penalty shall be recovered by summary proceedings before any justice in or near to the place where the offence was committed, or where the offender may at any time be, under the Act of the eleventh and twelfth years of Her Majesty, chapter forty-three, or any Act amending the same (as to England), and as to Ireland, within the police district of Dublin metropolis under the Acts regulating the powers and duties of justices of the peace for such district or of the police of such district, and elsewhere under "The Petty Sessions (Ireland) Act, 1851," and the Acts amending the same.

11 & 12 Vict. c. 43.

14 & 15 Vict. c. 93.

In Scotland, any such pecuniary penalty shall, on conviction of the offence in any action or complaint at the instance of the procurator fiscal of the county where the offence is committed, or where the offender may at any time be, or at the instance of any party to whom the same or part

thereof is made payable, or the performance of whose duty under this Act may require the enforcement of the provisions in respect of the breach of which such penalty is imposed, with the concurrence of the procurator fiscal, before the sheriff, or any two or more justices of such county, be levied by poinding and sale of the offender's goods and effects by warrant under the hands of such sheriff or justices, or by imprisonment for any time not exceeding three months.

It shall not be lawful for any justice to mitigate any penalty for any offence against this Act below any limit fixed by this Act, any power contained in any Act to the contrary notwithstanding.

"The Small Penalties Act, 1865," and "The Small Penalties (Ireland) Act, 1873," or any Act amending or substituted for the same, shall not apply to any penalty imposed under this Act in respect to which any period of imprisonment is herein specified.

Justices may grant warrants for the citation of witnesses.

88. In all cases in the execution of this Act in Scotland, when any matter or thing is directed to be inquired of or examined into before justices, such justices may grant warrant for the citation of witnesses, and administer oaths to witnesses, with the same powers as justices have under the Acts for the recovery of small debts.

Application of certain penalties.

89. One moiety of every pecuniary penalty imposed under this Act upon any person assisting, procuring, or persuading any militiaman improperly to absent himself from his duty, or concealing, employing, or continuing to employ any such militiaman, knowing him to be so improperly absent, shall go to the person who informs or sues for the same, and the other moiety, or where the offence is proved by the person who informs then the whole of the penalty, shall be paid over and applied in such manner as the Secretary of State may direct, anything in any Act to the contrary notwithstanding.

Justice to report to Secretary of State.

90. Every justice who adjudges any penalty under this Act, all or any part of which is applicable as the Secretary of State may direct, shall, within four days, report the same, and his adjudication thereof, to the Secretary of State for War.

Application of penalties on militiamen.

91. All pecuniary penalties imposed by this Act upon militiamen, (except the stoppages from pay herein-before provided for, and except forfeiture of bounty, which shall be brought to public credit,) and all other pecuniary penalties imposed by this Act, the application of which is not herein otherwise provided for, shall, notwithstanding anything in any Act to the contrary, be paid to the commanding officers of the respective regiments to which the offenders belong, and shall be made and accounted for as part of the public stock of such regiments respectively.

Savings for Civil Rights.

92. The acceptance of a commission in the Militia shall not vacate the seat of any member returned to serve in Parliament.

Commissions in Militia not to vacate seats in Parliament.

93. No person in the Militia shall be liable to any penalty or punishment for or on account of his absence during the time he is going to vote at any election of a member to serve in Parliament, or during the time he is returning from such election.

Voters going to elections of members not punishable for absence.

Exemptions from Civil Offices.

94. If any sheriff be an officer of the Militia at any time when the Militia of which he is such officer is embodied, he shall be discharged from personally performing the office of sheriff while the Militia remains embodied, and the under sheriff shall be answerable for the execution of the said office, in the name of the high sheriff, during the same time; and the security given by the under sheriff, and his pledges to the high sheriff, shall stand a security to the Queen, her heirs and successors, and to all persons whomsoever, for the due performing of his office during such time.

If sheriff be a Militia officer, under sheriff answerable for him when Militia is embodied.

95. No person in the Militia shall be compelled to serve as a peace officer or parish officer, or, in Scotland, to perform any highway duty, commonly called statute work.

Militia not liable to serve as peace officers, &c.

No Certiorari, &c. Limitation of Actions, &c.

96. No conviction, decree, act, order, or proceeding in pursuance of this Act, or in relation to the execution thereof, shall be removed into any court or superseded by certiorari, advocation, suspension, or otherwise, or be subject to any sist of execution.

Proceedings not to be removed, &c.

97. If any action or suit be brought against any person for anything done in pursuance of this Act, such action or suit shall be commenced within six months next after the fact committed, and in England shall be laid in the county or place where the cause of complaint arose; and in England the defendant in every such action or suit may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon, and in England or Ireland if the jury find for the defendant in any such action or suit, or if the plaintiff be nonsuit, or discontinue his action or suit after the defendant has appeared, or if upon demurrer judgment be given against the plaintiff, the defendant shall receive such full and reasonable indemnity as to all costs, charges, and expenses incurred in and about such action or suit as shall be taxed by the proper officer in that behalf, subject to be reviewed in like manner and by the same authority as any other taxation of costs by such officer, and shall have the like

Limitation of actions.

General issue.

Full costs.

remedy for the same as any defendant has in other cases to to recover costs by law, and in Scotland if the defender be assoilzied he shall have decree for three times his expenses in the action, and have the like remedy for the same as any defender has in other cases to recover expenses by the law of Scotland.

Repeal of Acts.

Repeal of existing Acts.

98. The Acts mentioned in the schedule to this Act are hereby repealed to the extent in such schedule specified;

but such repeal shall not revive any enactment or, save as herein otherwise provided, affect any past act, or any existing right or title, or any remedy in respect thereof, or the proof of any past act;

Saving for existing orders, commissions, terms of service, &c.

and all existing orders and directions in relation to the organization of the Militia, the uniting of the Militia, or portions of the Militia, of two or more counties, or otherwise, which may have been made or given under any enactment hereby repealed, and all existing regulations made under any enactment hereby repealed, shall be of the same force and effect as if made under this Act;

and every existing commission and appointment shall be of the same force and effect for the execution and for all the purposes of this Act, and shall be revocable, in like manner as if the same were granted hereunder; and the several non-commissioned officers, drummers, and private militiamen serving or liable to serve at the time of the passing of this Act shall be liable and continue to serve in the same manner and for the same period as if this Act had not been passed, but otherwise shall be subject to the provisions of this Act, and shall be deemed while serving part of the quotas directed to be raised under this Act for their several counties, and their service before the passing of this Act shall be reckoned as if the same had taken place hereunder;

and any offence against any of the said Acts committed before the passing of this Act shall be punished as if this Act had not been passed;

and any unrepealed Act of Parliament in which reference is made to any provisions hereby repealed shall be construed as if in such first-mentioned Act reference had been made to the corresponding provisions of this Act.

Saving of ballot provisions.

99. The number or quotas of men to be raised by ballot in any part of the United Kingdom shall not be altered by or under this Act; and nothing in this Act shall otherwise affect the provisions for the raising of men by ballot.

SCHEDULE.

A description or citation of a portion of an Act is inclusive of the words, section, or other part, first or last mentioned, or otherwise referred to as forming the beginning, or as forming the end, of the portion comprised in the description or citation.

I.—*Acts relating to the United Kingdom, Great Britain or England.*

Session and Chapter.	Title.	Extent of Repeal.
37 Geo. 3. c. 25. -	An Act for the better raising and ordering the Militia forces of the Tower Hamlets, in the county of Middlesex.	Sections eight to twelve.
42 Geo. 3. c. 72. -	An Act for repealing an Act, made in the Thirty-eighth Year of the Reign of His present Majesty, intituled, An Act for raising a Body of Miners in the Counties of Cornwall and Devon, for the Defence of the Kingdom during the present War; and for the more effectually raising and regulating a Body of Miners for the Defence of Great Britain.	Sections twenty to twenty-seven and thirty-two.
42 Geo. 3. c. 90. -	An Act for amending the Laws relating to the Militia in England, and for augmenting the Militia.	Sections one to seventeen and sixty-one. Section sixty-four to "twenty pounds;". Sections sixty-eight to ninety-nine, one hundred and one to one hundred and twenty-one, one hundred and twenty-seven, one hundred and forty to one hundred and forty-seven and one hundred and seventy-two to one hundred and seventy-six. Schedules F. and G.
43 Geo. 3. c. 47. -	An Act for consolidating and amending the several Laws for providing Relief for the Families of Militiamen of England, when called out into actual Service.	The whole.
46 Geo. 3. c. 90. -	An Act to enable His Majesty annually to train and exercise a Proportion of His Subjects in England, under certain Regulations, and more effectually to provide for the Defence of the Realm.	The whole.
46 Geo. 3. c. 140. -	An Act to amend Two Acts, passed in the Forty-second Year of His present Majesty, relating to the Militia of England and Scotland respectively, as to the Pay of the Officers and Men of the said Militia.	The whole.

Session and Chapter.	Title.	Extent of Repeal.
51 Geo. 3. c. 114. -	An Act to permit the Services of the Regiment of Miners of Cornwall and Devon to be extended to Ireland.	Sections three, six, seven, and nine.
51 Geo. 3. c. 118. -	An Act to permit the Interchange of the British and Irish Militias respectively.	Sections three, five to seven and ten.
53 Geo. 3. c. 81. -	An Act to amend several Acts relating to the Militia, and to enlisting of the Militia into His Majesty's Regular Forces.	The whole.
55 Geo. 3. c. 65. -	An Act to amend the Laws relating to the Militia of Great Britain.	Sections five, seven, and nine.
55 Geo. 3. c. 168. -	An Act to explain and amend the Laws relating to the Militias of Great Britain and Ireland.	The whole.
56 Geo. 3. c. 64. -	An Act to repeal several Acts relating to the Militia of Great Britain, and to amend other Acts relating thereto.	The whole.
57 Geo. 3. c. 57. -	An Act to empower His Majesty to suspend Training, and to regulate the Quotas of the Militia.	The whole.
10 Geo. 4. c. 10. -	An Act to suspend, until the End of the next Session of Parliament, the making of Lists and the Ballots and Enrolments for the Militia of the United Kingdom, and to reduce the permanent Staff, and regulate the Allowances of Serjeants hereafter appointed.	The whole.
2 & 3 Vict. c. 59. -	An Act for taking away the Exemption, except in certain Cases, of Officers of the Militia to serve as Sheriff.	The whole.
15 & 16 Vict. c. 50. -	An Act to consolidate and amend the Laws relating to the Militia in England.	Sections one to seven, eleven to seventeen, nineteen, twenty, twenty-two, twenty-five to twenty-nine, thirty-three and thirty-four.
17 & 18 Vict. c. 13. -	An Act to amend the Acts relating to the Militia of the United Kingdom.	The whole.
17 & 18 Vict. c. 105. -	An Act to amend the Laws relating to the Militia in England and Wales.	Sections thirty-one to thirty-six, thirty-eight to fifty-one, fifty-three, fifty-five and fifty-six. Schedule C.
18 & 19 Vict. c. 1. -	An Act to enable Her Majesty to accept the Services of the Militia out of the United Kingdom, for the vigorous Prosecution of the War.	The whole.
18 & 19 Vict. c. 100. -	An Act to amend the Law concerning the Qualification of Officers of the Militia.	The whole.

Session and Chapter.	Title.	Extent of Repeal.
22 & 23 Vict. c. 38. -	An Act further to amend the Laws relating to the Militia.	The whole.
23 & 24 Vict. c. 94. -	An Act to amend the Laws relating to the Militia.	Sections one and thirteen to nineteen.
32 & 33 Vict. c. 13. -	An Act for amending the Law relating to the Militia.	The whole.
33 & 34 Vict. c. 68. -	An Act to amend the Acts relating to the Militia of the United Kingdom.	The whole.
36 & 37 Vict. c. 68. -	An Act for extending the Period of Service in the Militia; and for other purposes.	Sections one to five.

II.—*Acts relating to Scotland.*

Session and Chapter.	Title.	Extent of Repeal.
42 Geo. 3. c. 91. -	An Act to raise and establish a Militia Force in Scotland.	Sections one to twelve and fifty-six. Section fifty-nine to "twenty pounds;". Sections sixty, sixty-three to ninety-five, ninety-seven to one hundred and seventeen, one hundred and twenty-two, one hundred and thirty-five to one hundred and forty, one hundred and forty-four to one hundred and forty-eight, and one hundred and sixty-seven to one hundred and seventy-two. Schedules F. and G.
49 Geo. 3. c. 90. -	An Act for providing Relief for the Wives and Families of the Militia Men in Scotland, when called into actual Service.	The whole.
17 & 18 Vict. c. 106. -	An Act for amending the Laws relating to the Militia, and raising a Volunteer Militia Force in Scotland.	Sections two to eleven, thirteen to thirty-five and forty-three to sixty-eight. Section sixty-nine, except so far as it relates to the Naval Coast Volunteers. Sections seventy to seventy-seven. The Schedule.

III.—*Acts relating to Ireland.*

Session and Chapter.	Title.	Extent of Repeal.
49 Geo. 3. c. 120. -	An Act for amending and reducing into One Act of Parliament the several Laws for raising and training the Militia of Ireland.	Sections seven to sixty-two. Section sixty-three to "twenty pounds;". Sections one hundred and twenty-two and one hundred and forty-three.
51 Geo. 3. c. 78. -	An Act to make Provision in certain Cases for the Wives and Families of Serjeants, Corporals, Drummers, and Privates serving in the Militia of Ireland.	The whole.
52 Geo. 3. c. 28. -	An Act to amend an Act of the last Session of Parliament making Provision for the Families of Militia Men in Ireland.	The whole.
52 Geo 3. c. 29. -	An Act to amend the Laws relating to the Militia of Ireland.	Section two.
53 Geo. 3. c. 48. -	An Act to amend the Laws for raising and training the Militia of Ireland.	Sections one and six.
53 Geo. 3. c. 154. -	An Act to render valid, and to authorize the Payment and Granting of certain Pensions at Kilmainham Hospital, and to empower the Commissioners of the said Hospital to commute Pensions for a Sum of Money in certain cases.	Section three.
54 Geo. 3. c. 179. -	An Act to amend an Act passed in the Forty-ninth Year of His present Majesty's reign, intituled An Act for amending and reducing into One Act of Parliament the several Laws for raising and training the Militia of Ireland.	The whole.
1 & 2 Will. 4. c. 17. -	An Act to provide for the better Order and Government of Ireland, by Lieutenants for the several Counties, Counties of Cities, and Counties of Towns therein.	Sections one, two and four to seventeen.
17 & 18 Vict. c. 107. -	An Act to amend the Laws relating to the Militia, and for raising a Volunteer Militia Force, in Ireland.	Sections one to thirty-five. Schedule C.
18 & 19 Vict. c. 19. -	An Act to remove Doubts as to the Commissions of Officers of Militia in Ireland who have omitted to deliver unto the Clerk of the Peace Descriptions of their Qualifications, and to indemnify them against the Consequences of such Omission, and to amend the Law relating to the Militia in Ireland.	The whole.

CHAPTER 70.

An Act for further amending the Law relating to Chimney Sweepers. [11th August 1875.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

1. This Act may be cited as The Chimney Sweepers Act, 1875. Short title.

2. This Act shall commence and take effect from and immediately after the thirty-first day of December one thousand eight hundred and seventy-five. Commencement of Act.

3. This Act shall not extend to Scotland. Extent of Act.

4. In this Act— Interpretation.

"Justice" means a justice of the peace or magistrate having jurisdiction in the county or place where the matter requiring the cognisance of a justice arises:

"Court of summary jurisdiction" means justices or magistrate (however designated) acting under the Summary Jurisdiction Acts described in the schedule to this Act.

Certificates.

5. The chief officer of police in each police district, as defined in the schedule to this Act, may, subject to the provisions of this Act, issue a certificate authorising the person therein named to carry on the business of a chimney sweeper in the district. Certificate to be issued by police.

6. Every person who carries on the business of a chimney sweeper, and who employs any journeyman, assistant, or apprentice, shall take out a certificate as herein-after mentioned. Certificate for journeymen and others.

7. A person desirous of having a certificate for a district may apply for one to the chief officer of police for the district, by delivering the application at the police station for the district nearest to the applicant's dwelling-place. Application for and issue of certificate.

The application shall be in the form given in the schedule to this Act, or to the like effect, and shall set forth the particulars therein indicated.

Thereupon a certificate shall be delivered to the applicant in the form given in the schedule to this Act, or to the like effect, signed by the chief officer of police.

8. Where two or more persons carry on the business of a chimney sweeper in partnership, it shall be sufficient for them Certificate for partners.

to have one certificate for all the partners, and the forms given in the schedule to this Act may be altered accordingly.

Journeyman and assistant exempted.

9. Notwithstanding anything in this Act, it shall not be necessary for a person who carries on the business of a chimney sweeper, in the capacity only of a journeyman of or assistant to a master chimney sweeper, to have a certificate: Provided, that such journeyman or assistant does not employ in chimney sweeping any other person as his paid assistant or as his apprentice.

Fee on certificate.

10. Every person to whom a certificate is issued shall on the issue thereof pay a fee of two shillings and sixpence.

The fees received shall be applied as penalties under this Act are applicable.

Duration of certificate.

11. Every certificate shall be dated the day of issue, and shall be in force for one year from its date, and no longer.

Uniform period for certificates.

12. One of Her Majesty's Principal Secretaries of State may, if he thinks fit, direct that all certificates be made to expire yearly on the same day.

If he does so, he shall provide—

(1.) In the case of a certificate issued for less than a year, for apportionment of the fee payable thereon:

(2.) For the issue of a certificate instead of a certificate lost or destroyed, and apportionment of the fee payable thereon.

Endorsing certificate when chimney sweeper desires to carry on business in another district.

13. The holder of a certificate for one district, who is desirous of carrying on the business of a chimney sweeper in any other district, may forward his certificate to the chief officer of police for such other district for endorsement; and such chief officer shall thereupon endorse and return it without charging any fee, and a certificate so endorsed shall be of the same validity for such last-mentioned district as if it had been originally issued for the same district.

Register of certificates.

14. Each chief officer of police shall keep a register of the certificates issued or endorsed by him.

It shall be in such form and shall show such particulars as one of Her Majesty's Principal Secretaries of State from time to time directs, and every such register shall be presumed to be in conformity with such directions until the contrary is shown.

An entry in it, and a copy of such an entry purporting to be certified as a true copy by the chief officer of police, and a statement purporting to be signed by the chief officer of the absence of such an entry in any case, shall be evidence of the matters therein appearing.

Offences.

Penalty for acting as chimney

15. Every person who carries on such trade or business of chimney sweeper as is herein-before specified without having

such certificate shall be guilty of an offence against this Act, and shall, on conviction thereof in a court of summary jurisdiction, be liable for the first offence to a penalty not exceeding ten shillings, and for every subsequent offence to a penalty not exceeding twenty shillings.

Sweeper without certificate

16. Every person carrying on the business of such chimney sweeper as aforesaid shall, when required by any person for whom he acts or offers to act as a chimney sweeper, or by any justice, or constable or peace officer, give his name and address.

Obligation to give name and address.

If any such person fails so to do, or gives a false name or false address, he shall be guilty of an offence against this Act, and shall, on conviction thereof in a court of summary jurisdiction, be liable to a penalty not exceeding ten shillings.

17. Where such person carries on the business of a chimney sweeper as aforesaid he shall, on demand, produce and show his certificate (if any) to any person for whom he acts or offers to act as a chimney sweeper, and to any justice, or constable or peace officer, and allow it to be read and copied by the person to whom it is produced.

Production of certificate on demand.

If he fails to do so he shall be guilty of an offence against this Act, and shall on conviction thereof in a court of summary jurisdiction, be liable for the first offence to a penalty not exceeding ten shillings, and for every subsequent offence to a penalty not exceeding twenty shillings.

18. It shall not be lawful for a person having a certificate to lend or transfer it to another.

Certificate not to be assigned.

It shall not be lawful for any person to borrow, accept, or use a certificate issued to another.

If any person acts in contravention of this section he shall be guilty of an offence against this Act, and shall for every such offence, on conviction thereof in a court of summary jurisdiction, be liable to a penalty not exceeding twenty shillings.

19. If any person does any of the following things he shall be guilty of an offence against this Act:

Penalty for false representations, &c.

(1.) If he makes, or procures to be made, or aids in making, a false statement or representation, knowing it to be false, in any application for a certificate;

(2.) If he fabricates, or counterfeits, or alters, or procures to be fabricated, or counterfeited, or altered, or aids in fabricating, or counterfeiting, or altering a certificate;

(3.) If he carries, produces, or shows, a fabricated, or counterfeited, or altered certificate, knowing it to be such:

and every person so offending shall, on conviction thereof in a court of summary jurisdiction, be liable for the first offence to a penalty not exceeding forty shillings, and for every subse-

quent offence to the like penalty, with or without imprisonment for a term not exceeding six months, with or without hard labour, or to such imprisonment alone, with or without hard labour.

Deprivation of certificate on conviction under former Acts.

20. If any person having a certificate is convicted of an offence against the Chimney Sweepers and Chimneys Regulation Acts, 1840 and 1864, or either of them, the court or justice before whom he is convicted may, if it seems fit, deprive him of his certificate for the residue of the current year; and if any person not having a certificate is convicted of an offence against the Chimney Sweepers and Chimneys Regulation Acts, 1840 and 1864, or either of them, the court or justice before whom he is convicted may, if it thinks fit, in addition to imposing any other penalty which it may be authorised to impose, declare him disqualified to hold any certificate under this Act for any term not exceeding one year, but such deprivation or disqualification shall be suspended pending any appeal under section eleven of the Chimney Sweepers and Chimneys Regulation Act, 1840, and shall be in the discretion of the court of appeal in case the conviction is confirmed.

Duty of police to enforce former Acts.

21. The chief officer of police shall enforce and put in execution the Chimney Sweepers and Chimneys Regulation Acts, 1840 and 1864, without prejudice to the right of any other person to institute proceedings thereunder.

Ireland.

Powers of Lord Lieutenant.

22. In Ireland the Lord Lieutenant or other chief governor or governors of Ireland for the time being shall have power and authority under this Act in lieu of one of Her Majesty's Principal Secretaries of State.

Application of penalties.

23. Penalties recovered in Ireland shall be applied according to the Fines Act (Ireland), 1851, or any Act amending the same.

Savings.

Saving for Vagrant Act.

24. A person shall not be exempt from the provisions of any Act relating to idle or disorderly persons, or to rogues or vagabonds, by reason only that he has a certificate under this Act, or assists or accompanies a person having such a certificate.

Saving for local Acts and local authorities.

25. Nothing in this Act shall interfere with the operation of any other Act in force in any city, town, or other place, or take away or abridge any power vested in any local authority by any general or local Act.

THE SCHEDULE.

PART I.

POLICE DISTRICTS AND OFFICERS.

Police District.	Chief Officer of Police.
In England.	
The city of London, and the liberties thereof, exclusive of Southwark.	The Commissioner of Police of the City.
The Metropolitan Police District -	The Commissioner of Police of the Metropolis.
Any county, any riding, parts, division, or liberty of a county, any borough. or town maintaining a separate police force.	The chief constable or head constable, or other officer, by whatever name called, having the chief command of the police in the district.
In Ireland.	
The police district of Dublin metropolis.	Either of the commissioners of police for the district.
Any district, whether city, town, or county, over which is appointed a sub-inspector of the Royal Irish Constabulary.	The sub-inspector.

All the police under one chief constable constitute one police force for the purposes of this schedule.

PART II.

SUMMARY JURISDICTION ACTS.

I.—*England.*

11 & 12 Vict. c. 43.—An Act to facilitate the performance of the duties of Justices of the Peace out of sessions within England and Wales with respect to summary convictions and orders.

Any Acts amending the same.

II.—*Ireland.*

Within the police district of Dublin metropolis, the Acts relating to the powers and duties of justices for that district or the police of their district.

Elsewhere in Ireland, the Petty Sessions (Ireland) Act, 1851.

Any Acts amending the same.

PART III.

FORMS.

(A.)—*Application for Certificate.*

I *A.B.* [*names of applicant in full*] of [*dwelling-place*] hereby apply for a certificate under the Chimney Sweepers Act, 1875, to authorise me to act as a chimney sweeper within
police district; and I declare that the following statement is true and correct:

Names of all Apprentices and others in my employment.	Ages of those under 21.	Date and Term of Apprenticeship.
A.B. Apprentice - -	17	..... 187 . [ ] years.
C.D. Journeyman - -	.....	.....
E.F. - - -	.....	.....

Dated this day of 18 .
(Signed) *A.B.*

(B.)—*Certificate.*

In pursuance of the Chimney Sweepers Act, 1875, I hereby certify that *A.B.* [*names of applicant in full*] of , in the county of , is authorised to carry on the business of a chimney sweeper within the police district for one year, reckoned from the date of this certificate.

Dated the day of 18 .
(Signed) *C.D.*,
Police Officer.

CHAPTER 71.

An Act to amend the Act of the twenty-ninth and thirtieth years of Her Majesty, chapter one hundred and eleven, relating to the Ecclesiastical Commissioners for England. [11th August 1875.]

WHEREAS by the eleventh section of the Act of the twenty-ninth and thirtieth years of Her Majesty, chapter one hundred and eleven, it was enacted that it should be lawful for the Ecclesiastical Commissioners for England (herein-after called "the Commissioners") to carry over to the account of their common fund, by such instalments as in the same section mentioned, a total sum not exceeding one million sterling, the produce of such sales as are therein referred to, and to apply and appropriate the said sum, subject to the proviso contained in the said section, as part of their common fund:

And whereas, in conformity with the provisions of the said section, the Commissioners have duly carried over the sum of one million sterling, the produce of such sales as aforesaid, to the account of the said common fund by instalments of one hundred thousand pounds each, in each of the years from one thousand eight hundred and sixty-six to the present year inclusive, and have applied and appropriated the same as part of the same fund:

And whereas, with the view of further carrying into effect the objects stated in the same section, it is expedient that the Commissioners should be authorised to apply and appropriate in like manner a further sum of one million sterling:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Power to Commissioners to carry over to common fund 1,000,000*l.*, the produce of sales.

1. It shall be lawful for the Commissioners to carry over, by such instalments as are herein-after mentioned, to the account of their common fund, and to apply and appropriate as part thereof, a total sum not exceeding one million sterling, the produce of sales effected or to be effected under the authority of the sixth section of the Act of the sixth and seventh years of Her Majesty, chapter thirty-seven.

To be carried over by annual instalments.

2. Such last-mentioned sum of one million sterling shall be so carried over to the common fund by annual instalments not exceeding one hundred thousand pounds in any one year, commencing with the year one thousand eight hundred and seventy-six.

Short title.

3. This Act may be cited for all purposes as "The Ecclesiastical Commissioners Act, 1875," and the said Act of the twenty-ninth and thirtieth years of Her Majesty may be cited for all purposes as "The Ecclesiastical Commissioners Act, 1866."

CHAPTER 72.

An Act to continue various expiring Laws.

[11th August 1875.]

WHEREAS the several Acts mentioned in column one of the schedule to this Act are, to the extent specified in column two of that schedule, limited to expire on the thirty-first day of December one thousand eight hundred and seventy-five:

And whereas it is expedient to provide for the continuance as in this Act mentioned of such Acts, and of the enactments amending the same:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Expiring Laws Continuance Act, 1875.

Continuance of Acts in schedule.

2. The Acts mentioned in column one of the schedule to this Act, in so far as they are temporary in their duration, shall, to the extent in column two of the said schedule mentioned, be continued until the thirty-first day of December one thousand eight hundred and seventy-six, and to the end of the then next session of Parliament, and any enactments amending or affecting the enactments continued by this Act shall, in so far as they are temporary in their duration, be continued in like manner.

SCHEDULE.

1. Original Acts.	2. How far continued.	3. Amending Acts.
(1) 5 & 6 Will. 4. c. 27. Linen, Hempen, Cotton, and other Manufactures (Ireland).	The whole Act so far as it is not repealed.	3 & 4 Vict. c. 91. (except ss. 18 and 23). 5 & 6 Vict. c. 68. 7 & 8 Vict. c. 47. 30 & 31 Vict. c. 60.
(2) 3 & 4 Vict. c. 89. Poor Rates, Stock in Trade Exemption.	The whole Act.	—
(3) 4 & 5 Vict. c. 35. Copyhold, Inclosure, and Tithe Commissioners.	So much as relates to the appointment of and the period for holding office by Commissioners and other officers.	14 & 15 Vict. c. 53. 25 & 26 Vict. c. 75.
(4) 4 & 5 Vict. c. 59. Application of Highway Rates to Turnpike Roads.	The whole Act.	—
(5) 10 & 11 Vict. c. 32. Landed Property Improvement (Ireland).	As to powers of Commissioners.	12 & 13 Vict. c. 59. 13 & 14 Vict. c. 31. 25 & 26 Vict. c. 29. 29 & 30 Vict. c. 40.

1. Original Acts.	2. How far continued.	3. Amending Acts.
(6) 10 & 11 Vict. c. 98. Ecclesiastical Jurisdiction.	As to provisions continued by 21 & 22 Vict. c. 50.	—
(7) 11 & 12 Vict. c. 32. County Cess (Ireland).	The whole Act -	20 & 21 Vict. c. 7.
(8) 11 & 12 Vict. c. 107. Sheep and Cattle Diseases.	The whole Act as to Ireland.	16 & 17 Vict. c. 62. 29 & 30 Vict. c. 4. 33 & 34 Vict. c. 36.
(9) 14 & 15 Vict. c. 104. Episcopal and Capitular Estates Management.	The whole Act so far as it is not repealed.	17 & 18 Vict. c. 116. 22 & 23 Vict. c. 46. 23 & 24 Vict. c. 124. 31 & 32 Vict. c. 114. s. 10.
(10) 17 & 18 Vict. c. 102. Corrupt Practices Prevention.	The whole Act so far as it is not repealed.	21 & 22 Vict. c. 87. 26 & 27 Vict. c. 29. 31 & 32 Vict. c. 125.
(11) 23 & 24 Vict. c. 19. Dwellings for Labouring Classes (Ireland).	The whole Act.	—
(12) 24 & 25 Vict. c. 109. Salmon Fishery (England) Act.	As to appointment of inspectors, s. 31.	—
(13) 25 & 26 Vict. c. 97. Salmon Fisheries (Scotland).	As to the powers of commissioners, &c.	26 & 27 Vict. c. 50. 27 & 28 Vict. c. 118.
(14) 26 & 27 Vict. c. 105. Promissory Notes.	The whole Act.	—
(15) 27 & 28 Vict. c. 9. Malt for Animals.	The whole Act.	—
(16) 27 & 28 Vict. c. 20. Promissory Notes and Bills of Exchange (Ireland).	The whole Act.	—
(17) 28 & 29 Vict. c. 46. Militia Ballots Suspension.	The whole Act.	—

1. Original Acts.	2. How far continued.	3. Amending Acts.
(18) 28 & 29 Vict. c. 66. Charging of Malt Duty by Weight.	The whole Act so far as it is not repealed.	29 & 30 Vict. c. 64.
(19) 28 & 29 Vict. c. 83. Locomotives on Roads.	The whole Act.	—
(20) 29 & 30 Vict. c. 52. Prosecution Expenses.	The whole Act.	—
(21) 31 & 32 Vict. c. 125. Election Petitions and Corrupt Practices.	The whole Act.	—
(22) 32 & 33 Vict. c. 21. Election Commissioners Expenses.	The whole Act	34 & 35 Vict. c. 61.
(23) 34 & 35 Vict. c. 87. Sunday Observance Prosecutions.	The whole Act.	—
(24) 34 & 35 Vict. c. 105. Petroleum.	The whole Act.	—

CHAPTER 73.

An Act to amend the law relating to the appointment of certain persons who entered the employment of the Home Government of India before the thirty-first day of December one thousand eight hundred and seventy-four. [11th August 1875.]

WHEREAS by the sixteenth section of the Act of the twenty-first and twenty-second years of the reign of Her Majesty, chapter one hundred and six, it is provided that after the first formation of the permanent establishment of the Secretary of State for India in Council the Order of Her Majesty in Council of the twenty-first day of May one thousand eight hundred and fifty-five, or such other regulations as might be from time to time established by Her Majesty, for examinations, certificates, probation, or other tests of fitness in relation to appointments to junior situations in the civil

service, should apply to such appointments on the said establishment:

And whereas it appears that persons have been appointed to junior situations on the said establishment who ought in pursuance of the sixteenth section of the said Act, and the Order in Council and regulations therein referred to, to have obtained previous to their appointment certificates from the Civil Service Commissioners, but through inadvertence on the part of the Secretary of State in Council, and without any default of the persons so appointed, no steps were taken before their appointment to procure for them such certificates:

And whereas it is unjust that the persons so appointed should be deprived of any rewards or advantages which they were led to expect at the time when they entered the said establishment:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Secretary of State for India may make orders as to persons appointed without certificate from Civil Service Commissioners.

1. The Secretary of State for India in Council may, if he thinks fit, at any time before the first day of January one thousand eight hundred and seventy-six, declare by order or warrant that any person who has been appointed to a junior situation on the said establishment without a certificate from the Civil Service Commissioners, after the first formation of the said establishment and before the thirty-first day of December one thousand eight hundred and seventy-four, was so appointed through inadvertence on the part of the Secretary of State for India in Council, and without any default on the part of the person so appointed, and that such person has been found thoroughly capable and efficient in the discharge of his duties; and every person with respect to whom such order or warrant may be issued shall be in the same position as regards his claim to all salaries, superannuation allowances, or gratuities, emoluments, or advantages whatsoever, as he would have been in if he had obtained previous to his appointment a certificate from the Civil Service Commissioners.

Order to be laid before Parliament.

Any order or warrant made in pursuance of this Act shall be laid before both Houses of Parliament within fourteen days after the meeting thereof if Parliament be sitting, and if Parliament be not sitting, then within fourteen days after the next meeting thereof.

The Secretary of State for India in Council shall cause to be laid before Parliament, not later than the expiration of one month after the commencement of the session in Parliament in the year one thousand eight hundred and seventy-six, a return showing the names of all persons with respect to whom any order or warrant has been issued in pursuance of this section, together with the situations to which they have been appointed.

CHAPTER 74.

An Act to amend "The Public Health (Scotland) Act, 1867," and other Sanitary Acts, in respect of Loans for Sanitary Purposes. [11th August 1875.]

WHEREAS by the "Public Health Act, 1872," the Public Works Loan Commissioners are authorised to make loans to sanitary authorities in England at the rates of interest, and repayable within the periods therein mentioned:

And whereas by the "Public Health (Ireland) Act, 1874," the Commissioners of Public Works in Ireland are authorised to make loans to sanitary authorities in Ireland at the rates, and repayable within the periods therein mentioned:

And whereas it is just that the Public Works Loan Commissioners should be authorised to make loans to sanitary authorities in Scotland at the same rates and repayable within similar periods:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as the Public Health (Scotland) Act, 1867, Amendment Act, 1875.

Definitions.

2. The expression "Sanitary Acts" shall mean the Public Health (Scotland) Act, 1867, and any Acts amending the same; and also Part IV. sections VII. and X., and Part VI. section II. of the General Police and Improvement (Scotland) Act, 1862.

The expression "local authority" shall mean and include any local authority under the Public Health (Scotland) Act, 1867, and any Acts amending that Act, and also the Commissioners acting under the General Police and Improvement (Scotland) Act, 1862.

The expression "Board of Supervision" shall mean the Board of Supervision for relief of the poor in Scotland.

Repeal of 30 & 31 Vict. c. 101. s. 91. and 34 & 35 Vict. c. 38. s. 3.

3. Section ninety-one of the Public Health (Scotland) Act, 1867, and section three of the Public Health (Scotland) Amendment Act, 1871, are hereby repealed, and in lieu thereof it is enacted as follows:

Power to Public Works Loan Commissioners to lend to local authority in Scotland for sanitary purposes.

The Public Works Loan Commissioners may, with the consent of the Commissioners of the Treasury, on the recommendation of the Board of Supervision, make any loan to any local authority in pursuance of any powers of borrowing conferred by the Sanitary Acts, whether for works already executed or yet to be executed, on the security of any fund or rate applicable to any of the purposes of these Acts, and without requiring any further or other security, such loan to

be repaid within a period not exceeding fifty years, and to bear interest at the rate of three and a half per centum per annum, or such other rate as may, in the judgment of the Commissioners of the Treasury, be necessary in order to enable the loan to be made without loss to the Exchequer.

Provided as follows:

(1.) That in determining the time when a loan under this Act shall be repayable, the Public Works Loan Commissioners shall have regard to the probable duration and continuing utility of the works in respect of which the same is required:

(2.) That this Act shall not extend to any loan required for the purpose of defraying expenses incurred in enforcing the performance of or in performing the duty of a defaulting local authority:

(3.) That in the case of any loan already made to any local authority in pursuance of any powers conferred by the Sanitary Acts, the Public Works Loan Commissioners may, if they think fit, reduce the interest payable thereon to the rate of not less than three and a half per centum per annum.

Period of repayment of sums borrowed by local authorities for sanitary purposes.

4. The provisions of the Sanitary Acts enabling local authorities under the same to borrow money for the purposes of such Acts shall be read and construed as if they provided that any sums of money borrowed from the Public Works Loan Commissioners by such local authority for the purposes of the said Acts shall be repaid within a period not exceeding fifty years.

CHAPTER 75.

An Act to amend the Contagious Diseases (Animals) Act, 1869. [11th August 1875.]

WHEREAS it is enacted by the one hundred and sixth section of "The Contagious Diseases (Animals) Act (1869)," that "notwithstanding anything in any Act relating to the metropolitan police, or to municipal corporations, or in any other Act, one half of every penalty or forfeiture recovered under this Act shall be paid to the person who sues or proceeds for the same, and the other half shall be applied as if this section had not been enacted," and it is expedient that the provisions of the said section, in so far as regards penalties or forfeitures recovered in Scotland, should be amended:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Par-

liament assembled, and by the authority of the same, as follows:

Construction of Act.

1. This Act shall be construed as one with the recited Act.

Extent of Act.

2. This Act shall extend to Scotland only.

Application of penalties under recited Act.

3. Notwithstanding anything contained in section one hundred and six of the recited Act, or in any other Act, one half of every penalty or forfeiture recovered under the recited Act in Scotland, which is not therein directed to be paid to the person who sues or proceeds for the same, shall be paid as follows:

(a.) To the Queen's and Lord Treasurer's Remembrancer, on behalf of Her Majesty, when the court is the sheriff court:

(b.) To the collector of county rates, in aid of the county general assessment, when the court is the justice of the peace court:

(c.) To the treasurer of the burgh, in aid of the funds of the burgh, when the court is a burgh court:

(d.) To the treasurer of the board of police, or commissioners of police, in aid of the police funds, when the court is a police court.

CHAPTER 76.

An Act to make provision for Returns relating to Ecclesiastical Fees; and for other purposes.

[11th August 1875.]

7 & 8 Vict. c. 68. s. 2.

WHEREAS by an Act of the seventh and eighth year of the reign of Her Majesty, chapter sixty-eight, it is provided that the registrar of every court exercising ecclesiastical jurisdiction, and the registrar of every vicar-general or diocese, shall on or before the twentieth day of January in every year transmit to one of Her Majesty's Principal Secretaries of State a true account in writing of the gross and net amounts of all such fees, allowances, gratuities, perquisites, and emoluments respectively as shall have been received or become due in the year ending the fifth day of January in such year on account of the judge of such court or vicar-general or on account of such registrar or (except of surrogates) of any other officer, clerk, or minister of such court or registry by virtue of his office or employment:

10 & 11 Vict. c. 98. s. 9.

And whereas by the Act of the tenth and eleventh year of the reign of Her Majesty, chapter ninety-eight, it is provided that every person appointed after the passing of the Act of the sixth and seventh year of King William the Fourth, chapter seventy-seven (except as regards the Prerogative Court

of Canterbury), or who should be appointed after the passing of the said Act of the tenth and eleventh year of the reign of Her Majesty, to the office of judge, registrar, or other officer of any ecclesiastical court in England, shall hold the same subject to all regulations and alterations affecting the same which might thereafter be made by authority of Parliament; and it is further provided that no person by his appointment to any such office shall acquire any claim or title to compensation in case the same should be thereafter altered or abolished by Act of Parliament:

And whereas it is expedient to extend the provisions of the said Acts as regards ecclesiastical offices, and to make provision for the appropriation of a certain fund in the hands of the Governors of the Bounty of Queen Anne:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by and with the authority of the same, as follows:

1. This Act may be cited as the Ecclesiastical Fees Act, 1875. **Short title.**

2. Every person who shall be appointed after the passing of this Act to the office of secretary, apparitor, seal keeper, or other officer employed in the transaction of official business, by any archbishop or bishop holding a see in England, whether such office be or be not an office in any ecclesiastical court in England, shall hold the same subject to all regulations and alterations affecting the same, or affecting the fees receivable in respect thereof, which may hereafter be made by authority of Parliament, nor shall any person by his appointment to any such office acquire any claim or title to compensation in case the same be hereafter altered or abolished by Act of Parliament; provided that nothing contained in this section shall be construed to give to any person appointed before the passing of this Act to any of the said offices any right as to tenure of office, or any claim or title to compensation, not possessed by him before the passing of this Act. **Bishops secretaries, &c. to hold office subject to alterations.**

3. Every person who shall after the passing of this Act be appointed to any of the offices mentioned in the last preceding section shall on or before the first day of March in every year transmit to one of Her Majesty's Principal Secretaries of State a true account, in writing, of the gross and net amounts of all such fees, allowances, gratuities, perquisites, and emoluments as shall have been received by him or become due to him in the year ending the fifth day of January in such year by virtue of his office or employment. **Secretaries, &c. to make returns.**

4. In case any person required by the said recited Act of the seventh and eighth year of the reign of Her Majesty, or by this Act, to transmit to one of Her Majesty's Principal **Penalty for not making returns, &c.**

Secretaries of State an account in manner aforesaid, shall, from and after the passing of this Act, fail to transmit such account on or before the first day of March in every year, or shall wilfully make any misstatement in such account as to the amount of fees, allowances, gratuities, perquisites, or emoluments received by him or due to him as aforesaid, he shall be liable to a penalty of twenty pounds, to be recoverable at the suit of the Ecclesiastical Commissioners for England, by action brought by the secretary of the said Commissioners against the party offending in the county court of the district within which the registry of the diocese is situate wherein such officer holds office; and the amount so recovered shall be applied by the said Commissioners for the purposes of their Common Fund.

Certain fund to be paid over to the judge appointed under 37 & 38 Vict. c. 85.

5. Whereas under the provisions of section two of the above-recited Act of the tenth and eleventh year of the reign of Her Majesty, chapter ninety-eight, a fund amounting to the sum of eleven hundred and twelve pounds eighteen shillings and one penny, or thereabouts, consolidated three pounds per centum annuities has accumulated in the hands of the Governors of the Bounty of Queen Anne, and is retained by them until Parliament shall provide for the appropriation thereof: Be it enacted, That the said Governors shall pay out of the said fund, and any other sums which may be received by the said Governors under the above-recited section of the said Act, to the judge appointed under "The Public Worship Regulation Act, 1874," such sums, at such times, and in such proportions as the Archbishop of Canterbury, the Lord High Chancellor, the Archbishop of York, and the Lord Chief Justice of England, or any three of them, shall, by writing under their hands, appoint, in order to provide a salary for the said judge, and a payment for the clerk of the said judge, until a salary for the said judge and a payment for the said clerk is otherwise provided by Parliament.

Provisions as to Official Principal of the Chancery Court of York.

6. It shall be lawful for the Worshipful Granville Harcourt Vernon, if he shall think fit, to resign, by a writing under his hand and seal, the office of official principal or auditor of the Chancery Court of York now held by him under letters patent from the Archbishop of York, without invalidating by such resignation the said letters patent, so far as they relate to other offices not so resigned by him.

If the said Granville Harcourt Vernon shall resign the office of official principal or auditor of the Chancery Court of York he shall not be thereby disqualified from continuing to receive any yearly sum which may have been awarded to him as compensation under the Court of Probate Act, 1857.

CHAPTER 77.

An Act to amend and extend the Supreme Court of Judicature Act, 1873. [11th August 1875.]

WHEREAS it is expedient to amend and extend the Supreme Court of Judicature Act, 1873:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title, and construction with 36 & 37 Vict. c. 66.

1. This Act shall, so far as is consistent with the tenor thereof, be construed as one with the Supreme Court of Judicature Act, 1873, (in this Act referred to as the principal Act,) and together with the principal Act may be cited as the Supreme Court of Judicature Acts, 1873 and 1875, and this Act may be cited separately as the Supreme Court of Judicature Act, 1875.

Commencement of Act.

2. This Act, except any provision thereof which is declared to take effect before the commencement of this Act, shall commence and come into operation on the first day of November 1875.

Sections twenty, twenty-one, and fifty-five of the principal Act shall not commence or come into operation until the first day of November 1876, and until the said sections come into operation an appeal may be brought to the House of Lords from any judgment or order of the Court of Appeal hereinafter mentioned in any case in which any appeal or error might now be brought to the House of Lords or to Her Majesty in Council from a similar judgment, decree, or order of any Court or Judge whose jurisdiction is by the principal Act transferred to the High Court of Justice or the Court of Appeal, or in any case in which leave to appeal shall be given by the Court of Appeal.

Explanation of 36 & 37 Vict. c. 66. s. 5. as to number of Judges.

3. Whereas by section five of the principal Act it is provided as follows: "that in at the commencement of this Act "the number of puisne justices and junior barons who shall "become Judges of the said High Court shall exceed twelve "in the whole, no new Judge of the said High Court shall "be appointed in the place of any such puisne justice or "junior baron who shall die or resign while such whole "number shall exceed twelve, it being intended that the per-"manent number of Judges of the said High Court shall "not exceed twenty-one;" and whereas, having regard to the state of business in the several courts whose jurisdiction is transferred by the principal Act to the High Court of Justice, it is expedient that the number of Judges thereof should not at present be reduced: Be it enacted, that so much of the said section as is herein-before recited shall be repealed.

The Lord Chancellor shall not be deemed to be a permanent Judge of that Court, and the provisions of the said section relating to the appointment and style of the Judges of the said High Court shall not apply to the Lord Chancellor.

Constitution of Court of Appeal.

4. Her Majesty's Court of Appeal, in this Act and in the principal Act referred to as the Court of Appeal, shall be constituted as follows: There shall be five ex-officio Judges thereof, and also so many ordinary Judges, not exceeding three at any one time, as Her Majesty shall from time to time appoint.

The ex-officio Judges shall be the Lord Chancellor, the Lord Chief Justice of England, the Master of the Rolls, the Lord Chief Justice of the Common Pleas, and the Lord Chief Baron of the Exchequer.

The first ordinary Judges of the said Court shall be the present Lords Justices of Appeal in Chancery, and such one other person as Her Majesty may be pleased to appoint by Letters Patent. Such appointment may be made either before or after the commencement of this Act, but if made before shall take effect at the commencement of the Act.

The ordinary Judges of the Court of Appeal shall be styled Justices of Appeal.

The Lord Chancellor may by writing addressed to the President of any one or more of the following divisions of the High Court of Justice, that is to say, the Queen's Bench Division, the Common Pleas Division, the Exchequer Division, and the Probate, Divorce, and Admiralty Division, request the attendance at any time, except during the times of the spring or summer circuits, of an additional Judge from such division or divisions, (not being ex-officio Judge or Judges of the Court of Appeal) at the sittings of the Court of Appeal, and a Judge, to be selected by the division from which his attendance is requested, shall attend accordingly.

Every additional Judge, during the time that he attends the sittings of Her Majesty's Court of Appeal, shall have all the jurisdiction and powers of a Judge of the said Court of Appeal, but he shall not otherwise be deemed to be a Judge of the said Court, or to have ceased to be a Judge of the division of the High Court of Justice to which he belongs.

Section fifty-four of the principal Act is hereby repealed, and instead thereof the following enactment shall take effect: No Judge of the said Court of Appeal shall sit as a Judge on the hearing of an appeal from any judgment or order made by himself, or made by any Divisional Court of the High Court of which he was and is a member.

Whenever the office of an ordinary Judge of the Court of Appeal becomes vacant a new Judge may be appointed thereto by Her Majesty by Letters Patent.

5. All the Judges of the High Court of Justice, and of the Court of Appeal respectively, with the exception of the Lord Chancellor, shall hold their offices as such Judges respectively during good behaviour, subject to a power of removal by Her Majesty, on an address presented to Her Majesty by both Houses of Parliament. No Judge of either of the said Courts shall be capable of being elected to or of sitting in the House of Commons. Every person appointed after the passing of this Act to be Judge of either of the said Courts (other than the Lord Chancellor), when he enters on the execution of his office, shall take, in the presence of the Lord Chancellor, the oath of allegiance, and judicial oath as defined by the Promissory Oaths Act, 1868. The oaths to be taken by the Lord Chancellor shall be the same as heretofore.

Tenure of office of Judges, and oaths of office. Judges not to sit in the House of Commons.

6. The Lord Chancellor shall be President of the Court of Appeal; the other ex-officio Judges of the Court of Appeal shall rank in the order of their present respective official precedence. The ordinary Judges of the Court of Appeal, if not entitled to precedence as Peers or Privy Councillors, shall rank according to the priority of their respective appointments as such Judges.

Precedence of Judges.

The Judges of the High Court of Justice who are not also Judges of the Court of Appeal shall rank next after the Judges of the Court of Appeal, and, among themselves (subject to the provisions in the principal Act contained as to existing Judges), according to the priority of their respective appointments.

7. Any jurisdiction usually vested in the Lords Justices of Appeal in Chancery, or either of them, in relation to the persons and estates of idiots, lunatics, and persons of unsound mind, shall be exercised by such Judge or Judges of the High Court of Justice or Court of Appeal as may be intrusted by the sign manual of Her Majesty or Her successors with the care and commitment of the custody of such persons and estates; and all enactments referring to the Lords Justices as so intrusted shall be construed as if such Judge or Judges so intrusted had been named therein instead of such Lords Justices: Provided that each of the persons who may at the commencement of the principal Act be Lords Justices of Appeal in Chancery shall, during such time as he continues to be a Judge of the Court of Appeal, and is intrusted as aforesaid, retain the jurisdiction vested in him in relation to such persons and estates as aforesaid.

Jurisdiction of Lords Justices in respect of lunatics.

8. Whereas by section eleven of the principal Act it is provided as follows: "Every existing Judge who is by this "Act made a Judge of the High Court of Justice or an "ordinary Judge of the Court of Appeal shall, as to tenure "of office, rank, title, salary, pension, patronage, and powers "of appointment or dismissal, and all other privileges and

Admiralty Judges and registrar.

" disqualifications, remain in the same condition as if this " Act had not passed; and, subject to the change effected in " their jurisdiction and duties by or in pursuance of the " provisions of this Act, each of the said existing Judges " shall be capable of performing and liable to perform all " duties which he would have been capable of performing or " liable to perform in pursuance of any Act of Parliament, law, " or custom if this Act had not passed. No Judge appointed " before the passing of this Act shall be required to act under " any commission of assize, nisi prius, oyer and terminer, or " gaol delivery, unless he was so liable by usage or custom at " the commencement of this Act:"

And whereas the Judge of the High Court of Admiralty is by the principal Act appointed a Judge of the High Court of Justice:

And whereas such Judge is, as to salary and pension, inferior in position to the other puisne Judges of the superior courts of common law, but holds certain ecclesiastical and other offices in addition to the office of Judge of the High Court of Admiralty:

And whereas it is expedient that such Judge, if he be willing to relinquish such other offices, should be placed in the same position as to rank, salary, and pension as the other puisne Judges of the superior courts of common law:

Be it enacted that—

If the existing Judge of the High Court of Admiralty under his hand signifies to the Lord Chancellor in writing, before the commencement of the principal Act, that he is willing to relinquish such other offices as aforesaid, and does before the commencement of the principal Act resign all other offices of emolument held by him except the office of Judge of the High Court of Admiralty, he shall, from and after the commencement of the principal Act, be entitled to the same rank, salary, and pension as if he had been appointed a Judge of the High Court of Justice immediately on the commencement of the principal Act, with this addition, that, in reckoning service for the purposes of his pension, his service as a Judge of the High Court of Admiralty shall be reckoned in the same manner as if the High Court of Justice had been established at the time of his accepting the office of Judge of the High Court of Admiralty, and he had continued from such time to be a Judge of the said High Court of Justice.

The present holder of the office of registrar of Her Majesty in Ecclesiastical and Admiralty causes, shall, as respects any appeals in which he would otherwise be concerned coming within the cognizance of the Court of Appeal, be deemed to be an officer attached to the Supreme Court; and the office, so far as respects the duties in relation to such appeals as aforesaid, shall be deemed to be a separate office within the meaning of section seventy-seven of the principal Act, and

may be dealt with accordingly. He shall be entitled, in so far as he sustains any loss of emoluments by or in consequence of the principal Act or this Act, to prefer a claim to the Treasury in the same manner as an officer paid out of fees whose emoluments are affected by the passing of the principal Act is entitled to do under section eighty of the principal Act.

Subject as aforesaid, the person who is at the time of the passing of this Act registrar of Her Majesty in Ecclesiastical and Admiralty causes shall, notwithstanding anything in the principal Act or this Act, have the same rank and hold his office upon the same tenure and upon the same terms and conditions as heretofore; but it shall be lawful for Her Majesty by Order in Council made upon the recommendation of the Lord Chancellor, with the concurrence of the Treasury, to make, notwithstanding anything contained in any Act of Parliament, such arrangements with respect to the duties of the said last-mentioned office, either by abolition thereof or otherwise, as to Her Majesty may seem expedient: Provided that such Order shall not take effect during the continuance in such office of the said person so being registrar at the time of the passing of this Act, without his assent.

Every Judge of the Probate, Divorce, and Admiralty Division of the said High Court of Justice appointed after the passing of this Act shall, so far as the state of business in the said division will admit, share with the Judges mentioned in section thirty-seven of the principal Act the duty of holding sittings for trials by jury in London and Middlesex, and sittings under commissions of assize, oyer and terminer, and gaol delivery.

London Court of Bankruptcy not to be transferred to High Court of Justice.

9. The London Court of Bankruptcy shall not be united or consolidated with the Supreme Court of Judicature, and the jurisdiction of that Court shall not be transferred under the principal Act to the High Court of Justice, but shall continue the same in all respects as if such transfer had not been made by the principal Act, and the principal Act shall be construed as if such union, consolidation, and transfer had not been made: Provided that—

(1.) The office of Chief Judge in Bankruptcy shall be filled by such one of the Judges of the High Court of Justice appointed since the passing of the Bankruptcy Act, 1869, or, with his consent, of such one of the Judges appointed prior to the passing of the last-mentioned Act, as may be appointed by the Lord Chancellor to that office; and,

(2.) The appeal from the London Court of Bankruptcy shall lie to the Court of Appeal in accordance with the principal Act.

Amendment of 36 & 37 Vict. c. 66. s. 25. as

10. Whereas, by section twenty-five of the principal Act, after reciting that it is expedient to amend and declare the

to rules of law upon certain points.

law to be thereafter administered in England as to the matters next therein-after mentioned, certain enactments are made with respect to the law, and it is expedient to amend the said section: Be it therefore enacted as follows:—

Sub-section one of clause twenty-five of the principal Act is hereby repealed, and instead thereof the following enactment shall take effect; (that is to say,) in the administration by the Court of the assets of any person who may die after the commencement of this Act, and whose estate may prove to be insufficient for the payment in full of his debts and liabilities, and in the winding up of any company under the Companies Acts, 1862 and 1867, whose assets may prove to be insufficient for the payment of its debts and liabilities and the costs of winding up, the same rules shall prevail and be observed as to the respective rights of secured and unsecured creditors, and as to debts and liabilities provable, and as to the valuation of annuities and future and contingent liabilities respectively, as may be in force for the time being under the Law of Bankruptcy with respect to the estates of persons adjudged bankrupt; and all persons who in any such case would be entitled to prove for and receive dividends out of the estate of any such deceased person, or out of the assets of any such company, may come in under the decree or order for the administration of such estate, or under the winding up of such company, and make such claims against the same as they may respectively be entitled to by virtue of this Act. In sub-section seven of the said section the reference to the date of the passing of the principal Act shall be deemed to refer to the date of the commencement of the principal Act.

Provision as to option for any Plaintiff (subject to Rules) to choose in what division he will sue,—in substitution for 36 & 37 Vict. c. 66. s. 35.

11. Subject to any Rules of Court and to the provisions of the principal Act and this Act and to the power of transfer, every person by whom any cause or matter may be commenced in the said High Court of Justice shall assign such cause or matter to one of the divisions of the said High Court as he may think fit, by marking the document by which the same is commenced with the name of such division, and giving notice thereof to the proper officer of the court: Provided that—

(1.) All interlocutory and other steps and proceedings in or before the said High Court in any cause or matter subsequent to the commencement thereof, shall be taken (subject to any Rules of Court and to the power of transfer) in the division of the said High Court to which such cause or matter is for the time being attached; and,

(2.) If any plaintiff or petitioner shall at any time assign his cause or matter to any division of the said High

Court to which, according to the Rules of Court or the provisions of the principal Act or this Act, the same ought not to be assigned, the Court, or any Judge of such division, upon being informed thereof, may, on a summary application at any stage of the cause or matter, direct the same to be transferred to the division of the said Court to which, according to such rules or provisions, the same ought to have been assigned, or he may, if he think it expedient so to do, retain the same in the division in which the same was commenced; and all steps and proceedings whatsoever taken by the plaintiff or petitioner or by any other party in any such cause or matter, and all orders made therein by the Court or any Judge thereof before any such transfer shall be valid and effectual to all intents and purposes in the same manner as if the same respectively had been taken and made in the proper division of the said Court to which such cause or matter ought to have been assigned; and,

(3.) Subject to Rules of Court, a person commencing any cause or matter shall not assign the same to the Probate, Divorce, and Admiralty Division unless he would have been entitled to commence the same in the Court of Probate, or in the Court for Divorce and Matrimonial Causes, or in the High Court of Admiralty, if this Act had not passed.

Sittings of Court of Appeal.

12. Every appeal to the Court of Appeal shall, where the subject-matter of the appeal is a final order, decree, or judgment, be heard before not less than three Judges of the said Court sitting together, and shall, when the subject-matter of the appeal is an interlocutory order, decree, or judgment, be heard before not less than two Judges of the said Court sitting together.

Any doubt which may arise as to what decrees, orders, or judgments are final, and what are interlocutory, shall be determined by the Court of Appeal.

Subject to the provisions contained in this section the Court of Appeal may sit in two divisions at the same time.

Amendment of s. 60. of 36 & 37 Vict. c. 66. as to district registrars.

13. Whereas by section sixty of the principal Act it is provided that for the purpose of facilitating the prosecution in country districts of legal proceedings, it shall be lawful for Her Majesty by Order in Council from time to time to direct that there shall be district registrars in such places as shall be in such order mentioned for districts to be thereby defined; and whereas it is expedient to amend the said section, be it therefore enacted that—

Where any such Order has been made, two persons may, if required, be appointed to perform the duties of district registrar in any district named in the Order, and such persons shall be

deemed to be joint district registrars, and shall perform the said duties in such manner as may from time to time be directed by the said Order, or any Order in Council amending the same.

Moreover the registrar of any inferior court of record having jurisdiction in any part of any district defined by such Order (other than a county court) shall, if appointed by Her Majesty, be qualified to be a district registrar for the said district or for any and such part thereof as may be directed by such Order or any Order amending the same.

Every district registrar shall be deemed to be an officer of the Supreme Court, and be subject accordingly to the jurisdiction of such Court, and of the divisions thereof.

Amendment of 36 & 37 Vict. c. 66. s. 87. as to enactments relating to attorneys.

14. Whereas under section eighty-seven of the principal Act, solicitors and attorneys will after the commencement of that Act be called solicitors of the Supreme Court: Be it therefore enacted that—

The registrar of attorneys and solicitors in England shall be called the registrar of solicitors, and the Lord Chief Justice of England, the Master of the Rolls, the Lord Chief Justice of the Court of Common Pleas, and the Lord Chief Baron, or any two of them, may, from time to time, by regulation adapt any enactments relating to attorneys, and any declaration, certificate, or form required under those enactments, to the solicitors of the Supreme Court under section eighty-seven of the principal Act.

Appeal from inferior court of record.

15. It shall be lawful for Her Majesty from time to time, by Order in Council, to direct that the enactments relating to appeals from county courts shall apply to any other inferior court of record; and those enactments, subject to any exceptions, conditions, and limitations contained in the Order, shall apply accordingly, as from the date mentioned in the Order.

Rules in First Schedule in substitution for 36 & 37 Vict. c. 66. s. 69. and Schedule.

16. The Rules of Court in the First Schedule to this Act shall come into operation at the commencement of this Act, and as to all matters to which they extend shall thenceforth regulate the proceedings in the High Court of Justice and Court of Appeal. But such Rules of Court, and also all such other Rules of Court (if any) as may be made after the passing and before the commencement of this Act under the authority of the next section, may be annulled or altered by the authority by which new Rules of Court may be made after the commencement of this Act.

Provision as to making, &c. of Rules of Court before or after the commencement of the Act,—in substitution for

17. Her Majesty may at any time after the passing and before the commencement of this Act, by Order in Council, made upon the recommendation of the Lord Chancellor, and the Lord Chief Justice of England, the Master of the Rolls, the Lord Chief Justice of the Common Pleas, the Lord Chief Baron of the Exchequer, and the Lords Justices of Appeal in Chancery,

or any five of them, and the other Judges of the several Courts intended to be united and consolidated by the principal Act as amended by this Act, or of a majority of such other Judges, make any further or additional Rules of Court for carrying the principal Act and this Act into effect, and in particular for all or any of the following matters, so far as they are not provided for by the Rules in the First Schedule to this Act; that is to say,

36 & 37 Vict. c. 66 ss. 68, 69, 74, and sch.

(1.) For regulating the sittings of the High Court of Justice and the Court of Appeal, and of any Divisional or other Courts thereof respectively, and of the Judges of the said High Court sitting in Chambers; and,

(2.) For regulating the pleading, practice, and procedure in the High Court of Justice and Court of Appeal; and,

(3.) Generally, for regulating any matters relating to the practice and procedure of the said Courts respectively, or to the duties of the officers thereof, or of the Supreme Court, or to the costs of proceedings therein.

In substitution for 36 & 37 Vict. c. 66. s. 74

From and after the commencement of this Act, the Supreme Court may at any time, with the concurrence of a majority of the Judges thereof present at any meeting for that purpose held (of which majority the Lord Chancellor shall be one), alter and annul any Rules of Court for the time being in force, and have and exercise the same power of making Rules of Court as is by this section vested in Her Majesty in Council on the recommendation of the said Judges before the commencement of this Act

All Rules of Court made in pursuance of this section shall be laid before each House of Parliament within such time and shall be subject to be annulled in such manner as is in this Act provided.

All Rules of Court made in pursuance of this section, if made before the commencement of this Act, shall from and after the commencement of this Act, and if made after the commencement of this Act shall from and after they come into operation, regulate all matters to which they extend, until annulled or altered in pursuance of this section.

The reference to certain Judges in section twenty-seven of the principal Act shall be deemed to refer to the Judges mentioned in this section as the Judges on whose recommendation an Order in Council may be made.

Provision as to Rules of Probate, Divorce, and Admiralty Courts, being Rules of the High Court,—in substitution for 36 & 37 Vict. c. 66. s. 70.

18. All Rules and Orders of Court in force at the time of the commencement of this Act in the Court of Probate, the Court for Divorce and Matrimonial Causes, and the Admiralty Court, or in relation to appeals from the Chief Judge in Bankruptcy, or from the Court of Appeal in Chancery in bankruptcy matters, except so far as they are expressly varied by the First Schedule hereto or by Rules of Court made by Order in Council before the commencement of this Act, shall

remain and be in force in the High Court of Justice and in the Court of Appeal respectively until they shall respectively be altered or annulled by any Rules of Court made after the commencement of this Act.

The present Judge of the Probate Court and of the Court for Divorce and Matrimonial Causes shall retain, and the president for the time being of the Probate and Divorce Division of the High Court of Justice shall have, with regard to non-contentious or common form business in the Probate Court, the powers now conferred on the Judge of the Probate Court by the thirtieth section of the twentieth and twenty-first years of Victoria, chapter seventy-seven, and the said Judge shall retain, and the said president shall have, the powers as to the making of rules and regulations conferred by the fifty-third section of the twentieth and twenty-first years of Victoria, chapter eighty-five.

Provision as to criminal procedure, subject to future rules remaining unaltered,—in substitution for 36 & 37 Vict. c. 66. s. 71.

19. Subject to the First Schedule hereto and any Rules of Court to be made under this Act, the practice and procedure in all criminal causes and matters whatsoever in the High Court of Justice and in the Court of Appeal respectively, including the practice and procedure with respect to Crown cases reserved, shall be the same as the practice and procedure in similar causes and matters before the commencement of this Act.

Provision as to Act not affecting rules of evidence or juries,—in substitution for 36 & 37 Vict. c. 66. s. 72.

20. Nothing in this Act or in the First Schedule hereto, or in any Rules of Court to be made under this Act, save as far as relates to the power of the Court for special reasons to allow depositions or affidavits to be read, shall affect the mode of giving evidence by the oral examination of witnesses in trials by jury, or the rules of evidence, or the law relating to jurymen or juries.

Provision for saving of existing procedure of Courts when not inconsistent with this Act or Rules of Court, —in substitution for 36 & 37 Vict. c. 66. s. 73.

21. Save as by the principal Act or this Act, or by any Rules of Court, may be otherwise provided, all forms and methods of procedure which at the commencement of this Act were in force in any of the Courts whose jurisdiction is by the principal Act or this Act transferred to the said High Court and to the said Court of Appeal respectively, under or by virtue of any law, custom, general order, or rules whatsoever, and which are not inconsistent with the principal Act or this Act or with any Rules of Court, may continue to be used and practised, in the said High Court of Justice and the said Court of Appeal respectively, in such and the like cases, and for such and the like purposes, as those to which they would have been applicable in the respective courts of which the jurisdiction is so transferred, if the principal Act and this Act had not passed.

Nothing in principal Act to prejudice

22. Whereas by section forty-six of the principal Act it is enacted that "any Judge of the said High Court sitting in

" the exercise of its jurisdiction elsewhere than in a Divisional " Court may reserve any case, or any point in a case, for the " consideration of a Divisional Court, or may direct any case " or point in a case to be argued before a Divisional Court:" Be it hereby enacted, that nothing in the said Act, nor in any rule or order made under the powers thereof or of this Act, shall take away or prejudice the right of any party to any action to have the issues for trial by jury submitted and left by the Judge to the jury before whom the same shall come for trial, with a proper and complete direction to the jury upon the law, and as to the evidence applicable to such issues:

Right to have issues submitted, &c.

Provided also, that the said right may be enforced either by motion in the High Court of Justice or by motion in the Court of Appeal founded upon an exception entered upon or annexed to the record.

23. Her Majesty may at any time after the passing of this Act, and from time to time, by Order in Council, provide in such manner and subject to such regulations as to Her Majesty may seem meet, for all or any of the following matters:

Regulation circuits.

1. For the discontinuance, either temporarily or permanently, wholly or partially, of any existing circuit, and the formation of any new circuit by the union of any counties or parts of counties, or partly in one way and partly in the other, or by the constitution of any county or part of a county to be a circuit by itself; and in particular for the issue of commissions for the discharge of civil and criminal business in the county of Surrey to the Judges appointed to sit for the trial by jury of causes and issues in Middlesex or London or any of them; and,
2. For the appointment of the place or places at which assizes are to be holden on any circuit; and,
3. For altering by such authority and in such manner as may be specified in the Order, the day appointed for holding the assizes at any place on any circuit in any case, where, by reason of the pressure of business or other unforeseen cause, it is expedient to alter the same; and,
4. For the regulation, so far as may be necessary for carrying into effect any Order under this section, of the venue in all cases, civil and criminal, triable on any circuit or elsewhere.

Her Majesty may from time to time, by Order in Council, alter, add to, or amend any Order in Council made in pursuance of this section; and in making any Order under this section may give any directions which it appears to Her Majesty to be desirable to give for the purpose of giving full effect to such Order.

Provided that every Order in Council made under this section shall be laid before each House of Parliament within such time, and shall be subject to be annulled in such manner as is in this Act provided.

Any Order in Council purporting to be made in pursuance of this section shall have the same effect in all respects as if it were enacted in this Act.

The power hereby given to Her Majesty shall be deemed to be in addition to and not in derogation of any power already vested in Her Majesty in respect of the matters aforesaid; and all enactments in relation to circuits, or the places at which assizes are to be holden, or otherwise in relation to the subject-matter of any Order under this section, shall, so far as such enactments are inconsistent with such Order, be repealed thereby, whether such repeal is thereby expressly made or not; but all enactments relating to the power of Her Majesty to alter the circuits of the Judges, or places at which assizes are to be holden, or the distribution of revising barristers among the circuits, or otherwise enabling or facilitating the carrying the objects of this section into effect, and in force at the time of the passing of the principal Act, shall continue in force, and shall, with the necessary variations, if any, apply, so far as they are applicable, to any alterations in or dealings with circuits, or places at which assizes are to be holden, made or to be made after the passing of this Act, or to any other provisions of any Order made under this section; and if any such Order is made for the issue of commissions for the discharge of civil and criminal business in the county of Surrey as before mentioned in this section, that county shall for the purpose of the application of the said enactments be deemed to be a circuit, and the senior Judge for the time being so commissioned, or such other Judge as may be for the time being designated for that purpose by Order in Council, shall, in the month of July or August in every year, appoint the revising barristers for that county and the cities and boroughs therein.

The expression "assizes" shall in this section be construed to include sessions under any commission of oyer and terminer, or gaol delivery, or any commission in lieu thereof issued under the principal Act.

Additional power as to regulation of practice and procedure by Rules of Court.

24. Where any provisions in respect of the practice or procedure of any courts the jurisdiction of which is transferred by the principal Act or this Act to the High Court of Justice or the Court of Appeal, are contained in any Act of Parliament, Rules of Court may be made for modifying such provisions to any extent that may be deemed necessary for adapting the same to the High Court of Justice and the Court of Appeal, without prejudice nevertheless to any power of the Lord Chancellor, with the concurrence of the Treasury, to

make any Rules with respect to the Paymaster General, or otherwise.

Any provisions relating to the payment, transfer, or deposit into, or in, or out of any Court of any money or property, or to the dealing therewith, shall, for the purposes of this section, be deemed to be provisions relating to practice and procedure.

The Lord Chancellor, with the concurrence of the Treasury, may from time to time, by order, determine to what accounts and how intituled any such money or property as last aforesaid, whether paid, transferred, or deposited before or after the commencement of this Act, is to be carried, and modify all or any forms relating to such accounts; and the Governor and Company of the Bank of England, and all other companies, bodies corporate, and persons, shall make such entries and alterations in their books as may be directed by the Lord Chancellor, with the concurrence of the Treasury, for the purpose of carrying into effect any such order.

Orders and Rules to be laid before Parliament, and may be annulled on address from either House.

25. Every Order in Council and Rule of Court required by this Act to be laid before each House of Parliament shall be so laid within forty days next after it is made, if Parliament is then sitting, or if not, within forty days after the commencement of the then next ensuing session; and if an address is presented to Her Majesty by either House of Parliament, within the next subsequent forty days on which the said House shall have sat, praying that any such Rule or Order may be annulled, Her Majesty may thereupon by Order in Council annul the same; and the Rule or Order so annulled shall thenceforth become void and of no effect, but without prejudice to the validity of any proceedings which may in the meantime have been taken under the same.

This section shall come into operation immediately on the passing of this Act.

Fixing and collection of fees in High Court and Court of Appeal.

26. The Lord Chancellor, with the advice and consent of the Judges of the Supreme Court or any three of them, and with the concurrence of the Treasury, may, either before or after the commencement of this Act, by order, fix the fees and per-centages (including the per-centage on estates of lunatics) to be taken in the High Court of Justice or in the Court of Appeal, or in any court created by any commission or in any office which is connected with any of those courts, or in which any business connected with any of those courts is conducted, or by any officer paid wholly or partly out of public moneys who is attached to any of those courts or the Supreme Court or any Judge of those courts, including the masters and other officers in lunacy, and may from time to time by order increase, reduce, or abolish all or any of such fees and per-centages, and appoint new fees and per-centages to be taken in the said courts or offices or any of them, or by any such officer as aforesaid.

Any order made in pursuance of this section shall be binding on all the courts, offices, and officers to which it refers, in the same manner as if it had been enacted by Parliament.

All such fees and per-centages shall (save as otherwise directed by the order) be paid into the receipt of Her Majesty's Exchequer and be carried to the Consolidated Fund, and with respect thereto the following rules shall be observed:

(1.) The fees and per-centages shall, except so far as the order may otherwise direct, be taken by stamps, and if not taken by stamps shall be taken, applied, accounted for, and paid over in such manner as may be directed by the order.

(2.) Such stamps shall be impressed or adhesive, as the Treasury from time to time direct.

(3.) The Treasury, with the concurrence of the Lord Chancellor, may from time to time make such rules as may seem fit for publishing the amount of the fees and regulating the use of such stamps, and particularly for prescribing the application thereof to documents from time to time in use or required to be used for the purposes of such stamps, and for insuring the proper cancellation of stamps and for keeping accounts of such stamps.

(4.) Any document which ought to bear a stamp in pursuance of this Act, or any rule or order made thereunder, shall not be received, filed, used, or admitted in evidence unless and until it is properly stamped, within the time prescribed by the rules under this section regulating the use of stamps, but if any such document is through mistake or inadvertence received, filed, or used without being properly stamped, the Lord Chancellor or the Court may, if he or it shall think fit, order that the same be stamped as in such order may be directed.

(5.) The Commissioners of Inland Revenue shall keep such separate accounts of all money received in respect of stamps under this Act as the Treasury may from time to time direct, and, subject to the deduction of any expenses incurred by those Commissioners in the execution of this section, the money so received shall, under the direction of the Treasury, be carried to and form part of the Consolidated Fund.

(6.) Any person who forges or counterfeits any such stamp, or uses any such stamp, knowing the same to be forged or counterfeit, or to have been previously cancelled or used, shall be guilty of forgery, and be liable on conviction to penal servitude for a term not exceeding seven years, or to imprisonment with or without hard labour for a term not exceeding two years.

An order under this section may abolish any existing fees and per-centages which may be taken in the said courts or offices, or any of them, or by the said officers or any of them, but, subject to the provisions of any order made in pursuance of this section, the existing fees and per-centages shall continue to be taken, applied, and accounted for in the existing manner.

Provisions as to Lancaster Fee Fund, and salaries, &c. of officers of courts at Lancaster and Durham. 32 & 33 Vict. c. 37.

27. Whereas by the Common Pleas at Lancaster Amendment Act, 1869, the fees taken by the prothonotaries and district prothonotaries in pursuance of that Act, are directed to be carried to the credit of "the prothonotaries fee fund "account of the county palatine of Lancaster," and certain salaries and expenses connected with the offices of the said prothonotaries and district prothonotaries are directed to be paid out of that account:

And whereas, on the twenty-fourth day of June one thousand eight hundred and seventy-four, there was standing to the credit of that account a sum of ten thousand seven hundred and fifty-five pounds consolidated three pounds per centum Bank annuities and one thousand eight hundred and ten pounds cash, or thereabouts;

And whereas the fees received in the Court of Pleas of Durham are applied in payment of disbursements connected with the office of the prothonotary of that court, and any surplus of such fees is paid into the receipt of Her Majesty's Exchequer, and any deficiency of the amount of the said fees to pay such disbursements is charged on the Consolidated Fund of the United Kingdom.

And whereas after the commencement of the principal Act, the jurisdiction of the Court of Common Pleas at Lancaster and the Court of Pleas at Durham is by that Act transferred to and vested in the High Court of Justice, and it is expedient to make further provision respecting the expenses of those courts and the said stock and cash standing to the credit of the prothonotaries fee fund account of the county palatine of Lancaster:

Be it therefore enacted that,—

After the commencement of the principal Act there shall be paid out of moneys provided by Parliament such sums by way of salary or remuneration to the prothonotaries and district prothonotaries of the Court of Common Pleas at Lancaster and the Court of Common Pleas at Durham and their clerks, and such sums for rent, taxes, and other outgoings at their offices, as the Lord Chancellor, with the concurrence of the Treasury, may from time to time direct.

As soon as each prothonotary and district prothonotary of the Court of Common Pleas at Lancaster has accounted for and paid all fees and moneys which he shall have received by virtue of his said office, the Chancellor of the Duchy of Lancaster shall cause any security given by such officer in pur-

32 & 33 Vict. c. 37.

suance of section seventeen of the Common Pleas at Lancaster Amendment Act, 1869, to be cancelled, and delivered up, or otherwise discharged.

As soon as may be after the commencement of the principal Act the Treasury and the Chancellor of the duchy and county palatine of Lancaster shall ascertain the amount of stock and cash standing to the credit of the prothonotaries fee fund account of the county palatine of Lancaster, after paying thereout to the receiver general of the revenues of the Duchy of Lancaster the amount of the fees remaining in the prothonotary's hands on the twenty-fourth day of October one thousand eight hundred and sixty-nine, and paid to that account in pursuance of section seventeen of the last-mentioned Act, and all other sums justly due to Her Majesty in right of Her said duchy and county palatine; and the Treasury shall by warrant direct the Governor and Company of the Bank of England to transfer to the Commissioners for the Reduction of the National Debt the amount of stock and cash so ascertained and either to cancel the stock in their books or otherwise dispose of the same as may be directed by the warrant; and the Governor and Company of the Bank of England shall transfer the stock and cash, and cancel or otherwise dispose of the stock according to the warrant, without any order from the Lord Chancellor or the Chancellor of the said duchy and county palatine or any other person.

The Commissioners for the Reduction of the National Debt shall apply all cash transferred to them in pursuance of this section in the purchase of Bank Annuities which shall be cancelled or otherwise disposed of in like manner as the said stock.

Annual account of fees and expenditure.

28. The Treasury shall cause to be prepared annually an account for the year ending the thirty-first day of March, showing the receipts and expenditure during the preceding year in respect of the High Court of Justice and the Court of Appeal, and of any court, office, or officer, the fees taken in which or by whom can be fixed in pursuance of this Act.

Such account shall be made out in such form and contain such particulars as the Treasury, with the concurrence of the Lord Chancellor, may from time to time direct.

Every officer by whom or in whose office fees are taken which can be fixed in pursuance of this Act, shall make such returns and give such information as the Treasury may from time to time require for the purpose of enabling them to make out the said account.

The said account shall be laid before both Houses of Parliament within one month after the thirty-first day of March in each year, if Parliament is then sitting, or if not, then within one month after the next meeting of Parliament.

Amendment of law as to payments to senior

29. Whereas fines and other moneys paid into the Court of Queen's Bench for Her Majesty's use are received by the

Queen's coroner and attorney, and out of such moneys there is paid in pursuance of a writ of privy seal an annual sum of forty pounds, at the rate of ten pounds for every term, to the second judge of the Court of Queen's Bench, and by section seven of the Act of the sixth year of King George the Fourth, chapter eighty-four, it is enacted that the said termly allowance of ten pounds shall continue to be paid to the said second judge in addition to his salary:

Puisne Judge of Queen's Bench and Queen's coroner.

And whereas out of the said moneys there is also payable in pursuance of the said writ of privy seal an annual sum of ten pounds to the Queen's coroner and attorney:

And whereas it is expedient to determine such payments:

Be it therefore enacted as follows:

After the passing of this Act the said sums of forty pounds and ten pounds a year shall cease to be payable by the Queen's coroner and attorney out of the above-mentioned moneys.

So long as the person who on the first day of March one thousand eight hundred and seventy-five was the second judge of the Court of Queen's Bench continues to be such second judge, there shall be payable to him out of the Consolidated Fund of the United Kingdom the annual sum of forty pounds in addition to his salary, and that annual sum shall be payable to him by instalments of ten pounds at the like times at which the said termly allowance of ten pounds has heretofore been payable to him, or at such other times as the Treasury, with the consent of the Judge, may direct.

So long as the person who on the first day of March one thousand eight hundred and seventy-five was the Queen's coroner and attorney continues to hold that office, there shall be payable to him out of moneys provided by Parliament the annual sum of ten pounds, and such sum shall be payable to him at the like time at which the said annual sum of ten pounds has heretofore been payable to him, or at such other time as the Treasury, with the consent of such Queen's coroner or attorney, may direct.

30. Whereas by section sixteen of "The Court of Chancery Funds Act, 1872," it is enacted that an order of the Court of Chancery may direct securities standing to the account of the Paymaster General on behalf of the Court of Chancery to be converted into cash, and that where such order refers to Government securities such securities shall be transferred to the Commissioners for the Reduction of the National Debt in manner therein mentioned:

Amendment of 35 & 36 Vict. c. 44. as to the transfer of Government securities to and from the Paymaster General on behalf of the Court of Chancery and the National Debt Commissioners.

And whereas the said section contains no provision for the converse cases of the conversion of cash into securities and the transfer of securities from the said Commissioners to the account of the Paymaster General on behalf of the Court of Chancery:

And whereas such conversion and transfer, and the other matters provided by the said section, can be more conveniently

provided for by rules made in pursuance of section eighteen of the said Act; and it is expedient to remove doubts with respect to the power to provide by such rules for the investment in securities of money in court, and the conversion into money of securities in court:

Be it therefore enacted as follows:

Section sixteen of "The Court of Chancery Funds Act, 1872," is hereby repealed.

Rules may from time to time be made in pursuance of section eighteen of "The Court of Chancery Funds Act, 1872," with respect to the investment in securities of money in court, and the conversion into money of securities in court, and with respect to the transfer to the Commissioners for the Reduction of the National Debt of Government securities ordered by the Court to be sold or converted into cash, and to the transfer by those Commissioners to the Paymaster General for the time being, on behalf of the Court of Chancery, of Government securities ordered by the Court of Chancery to be purchased.

This section shall come into operation on the passing of this Act, and shall be construed together with "The Court of Chancery Funds Act, 1872," and shall be subject to any alteration in that Act made by or in pursuance of the principal Act or this Act.

Abolition of secretary to the visitors of lunatics. 16 & 17 Vict. c. 70.

31. Whereas under the Lunacy Regulation Act, 1853, it is provided that there shall be a secretary to the visitors of lunatics therein mentioned, and it is expedient to abolish that office: Be it therefore enacted as follows:

After the passing of this Act there shall cease to be a secretary to the visitors of lunatics.

The Treasury shall award, out of moneys provided by Parliament, to the person who holds at the passing of this Act the office of secretary to the visitors of lunatics such compensation, by way of annuity or otherwise, as, having regard to the conditions on which he was appointed to his office, the nature, salary, and emoluments of his office, and the duration of his services, they may think just and reasonable, so that the same be granted in accordance with the provisions and subject to the conditions contained in the Superannuation Act, 1859.

22 Vict. c. 26.

Amendment of 32 & 33 Vict. c. 83. s. 19. and 32 & 33 Vict. c. 71. s. 116. as to payment of unclaimed dividends to persons entitled.

32. Whereas by section nineteen of "The Bankruptcy Repeal and Insolvent Court Act, 1869," it is enacted as follows: "All dividends declared in any court acting under the Acts relating to bankruptcy or the relief of insolvent debtors which remain unclaimed for five years after the commencement of this Act, if declared before that commencement, and for five years after the declaration of the dividends if declared after the commencement of this Act, and all undivided surpluses of estates administered under the jurisdiction of such Court which remain undivided for five years after the declaration

" of a final dividend in the case of bankruptcy, or for five " years after the close of an insolvency under this Act, shall " be deemed vested in the Crown, and shall be disposed of as " the Commissioners of Her Majesty's Treasury direct; pro- " vided that at any time after such vesting the Lord Chan- " cellor may, if he thinks fit, by reason of the disability or " absence beyond seas of the person entitled to the sum so " vested, or for any other reason appearing to him sufficient, " direct that the sum so vested shall be repaid out of moneys " provided by Parliament, and shall be distributed as it would " have been if there had been no such vesting:"

And whereas a similar enactment with respect to unclaimed dividends in bankruptcy was made by section one hundred and sixteen of "The Bankruptcy Act, 1869:" 32 & 33 Vict. c. 71.

And whereas it is expedient to give to persons entitled to any such unclaimed dividends or other sums greater facilities for obtaining the same: Be it therefore enacted as follows:

Any Court having jurisdiction in the matter of any bankruptcy or insolvency, upon being satisfied that any person claiming is entitled to any dividend or other payment out of the moneys vested in the Crown in pursuance of section nineteen of "The Bankruptcy Repeal and Insolvent Court Act, 1869," or of section one hundred and sixteen of "The Bank- " ruptcy Act, 1869," may order payment of the same in like manner as it might have done if the same had not by reason of the expiration of five years become vested in the Crown in pursuance of the said sections. 32 & 33 Vict. cc. 83, 71.

This section shall take effect as from the passing of this Act.

33. From and after the commencement of this Act there shall be repealed— Repeal.

(1.) The Acts specified in the Second Schedule to this Act, to the extent in the third column of that schedule mentioned, without prejudice to anything done or suffered before the said commencement under the enactments hereby repealed; also,

(2.) Any other enactment inconsistent with this Act or the principal Act.

34. Whereas, by the seventy-seventh section of the principal Act, it is provided that, upon the occurrence of a vacancy in the office of any officer coming within the provisions of the said section, the Lord Chancellor, with the concurrence of the Treasury, may, in the event of such office being considered unnecessary, abolish the same, or may reduce the salary, or alter the designation or duties thereof, notwithstanding that the patronage thereof may be vested in an existing Judge; but that nothing in the said Act contained shall interfere with the office of marshal attending any commissioner of assize: And whereas it is expedient to add to the As to vacancies in any office within s. 77 of principal Act.

said section: Be it enacted, that, upon the occurrence of any vacancy coming within the provisions of the said section, an appointment shall not be made thereto for the period of one month without the assent of the Lord Chancellor, given with the concurrence of the Treasury; and, further, the Lord Chancellor, may, with the concurrence of the Treasury, suspend the making any appointment to such office for any period not later than the first day of January one thousand eight hundred and seventy-seven, and may, if it be necessary, make provision in such manner as he thinks fit for the temporary discharge, in the meantime, of the duties of such office.

Amendment of principal Act, s. 79, as to chamber clerks.

35. Be it enacted, that any person who, at the time of the commencement of this Act, shall hold the office of chamber clerk shall be eligible at any time thereafter for appointment to the like office, anything in the principal Act to the contrary notwithstanding; and that, if any such person shall be so appointed after the commencement of this Act, he shall, if the salary assigned to such office by or under the principal Act be less than the salary received by him at the time of the commencement of this Act, be entitled to receive a salary not less than that so formerly received by him, so long as he shall retain such office, but shall not be entitled to receive or claim any pension in respect of his service, unless the Treasury, in its absolute discretion, shall think fit to sanction the same.

FIRST SCHEDULE.

RULES OF COURT.

[Note.—*Where no other provision is made by the Act or these Rules the present procedure and practice remain in force.*]

ORDER I.

FORM AND COMMENCEMENT OF ACTION.

1. All actions which have hitherto been commenced by writ in the Superior Courts of Common Law at Westminster, or in the Court of Common Pleas at Lancaster, or in the Court of Pleas at Durham, and all suits which have hitherto been commenced by bill or information in the High Court of Chancery, or by a cause in rem or in personam in the High Court of Admiralty, or by citation or otherwise in the Court of Probate, shall be instituted in the High Court of Justice by a proceeding to be called an action.

2. With respect to interpleader, the procedure and practice now used by Courts of Common Law under the Interpleader Acts 1 & 2 Wm. 4. c. 58. and 23 & 24 Vict. c. 126. shall apply to all actions and all the divisions of the High Court of Justice, and the application by a defendant shall be made at any time after being served with a writ of summons and before delivering a defence.

3. All other proceedings in and applications to the High Court may, subject to these Rules, be taken and made in the same manner as they would have been taken and made in any Court in which any proceeding or application of the like kind could have been taken or made if the Act had not been passed.

ORDER II.

WRIT OF SUMMONS AND PROCEDURE, &c.

1. Every action in the High Court shall be commenced by a writ of summons, which shall be indorsed with a statement of the nature of the claim made, or of the relief or remedy required in the action, and which shall specify the Division of the High Court to which it is intended that the action should be assigned.

2. Any costs occasioned by the use of any more prolix or other forms of writs, and of indorsements thereon, than the forms hereinafter prescribed, shall be borne by the party using the same, unless the Court shall otherwise direct.

3. The writ of summons for the commencement of an action shall, except in the cases in which any different form is herein-after provided, be in Form No. 1 in Part I of Appendix (A) hereto, with such variations as circumstances may require.

4. No writ of summons for service out of the jurisdiction, or of which notice is to be given out of the jurisdiction, shall be issued without the leave of a Court or Judge.

5. A writ of summons to be served out of the jurisdiction, or of which notice is to be given out of the jurisdiction, shall be in Form No. 2 in Part I of Appendix (A) hereto, with such variations as circumstances may require. Such notice shall be in Form No. 3 in the same part, with such variations as circumstances may require.

6. With respect to actions upon a bill of exchange or promissory note, commenced within six months after the same shall have become due and payable, the procedure under the Bills of Exchange Act, 18 & 19 Vict. c. 67., shall continue to be used.

7. The writ of summons in every Admiralty action in rem shall be in Form No. 4 of Part I of Appendix (A) hereto, with such variations as circumstances may require.

8. Every writ of summons and also every other writ shall bear date on the day on which the same shall be issued, and shall be tested in the name of the Lord Chancellor, or if the office of Lord Chancellor shall be vacant, in the name of the Lord Chief Justice of England.

ORDER III.

INDORSEMENTS OF CLAIM.

1. The indorsement of claim shall be made on every writ of summons before it is issued.

2. In the indorsement required by Order II., Rule 1, it shall not be essential to set forth the precise ground of complaint, or the precise remedy or relief to which the plaintiff considers himself entitled. The plaintiff may by leave of the Court or Judge amend such indorsement so as to extend it to any other cause of action or any additional remedy or relief.

3. The indorsement of claim may be to the effect of such of the Forms in Part II of Appendix (A) hereto as shall be applicable to

the case, or if none be found applicable then such other similarly concise form as the nature of the case may require.

4. If the plaintiff sues or the defendant or any of the defendants is sued in a representative capacity, the indorsement shall show, in manner appearing by the statement in Appendix (A) hereto, Part II, sec. VIII, or by any other statement to the like effect, in what capacity the plaintiff or defendant sues or is sued.

5. In Probate actions the indorsement shall show whether the plaintiff claims as creditor, executor, administrator, residuary legatee, legatee, next of kin, heir-at-law, devisee, or in any and what other character.

6. In all actions where the plaintiff seeks merely to recover a debt or liquidated demand in money payable by the defendant, with or without interest, arising upon a contract, express or implied, as, for instance, on a bill of exchange, promissory note, cheque, or other simple contract debt, or on a bond or contract under seal for payment of a liquidated amount of money, or on a statute where the sum sought to be recovered is a fixed sum of money or in the nature of a debt, or on a guaranty, whether under seal or not, where the claim against the principal is in respect of such debt or liquidated demand, bill, cheque, or note, or on a trust, the writ of summons may be specially indorsed with the particulars of the amount sought to be recovered, after giving credit for any payment or set-off.

7. Wherever the plaintiff's claim is for a debt or liquidated demand only, the indorsement, beside stating the nature of the claim, shall state the amount claimed for debt, or in respect of such demand, and for costs respectively, and shall further state, that upon payment thereof within four days after service, or in case of a writ not for service within the jurisdiction within the time allowed for appearance, further proceedings will be stayed. Such statement may be in the form in Appendix (A) hereto, Part II, sec. III. The defendant may, notwithstanding such payment, have the costs taxed, and if more than one-sixth shall be disallowed, the plaintiff's solicitor shall pay the costs of taxation.

8. In all cases of ordinary account, as, for instance, in the case of a partnership or executorship or ordinary trust account, where the plaintiff, in the first instance, desires to have an account taken, the writ of summons shall be indorsed with a claim that such account be taken.

ORDER IV.

INDORSEMENT OF ADDRESS.

1. The solicitor of a plaintiff suing by a solicitor shall indorse upon every writ of summons and notice in lieu of service of a writ of summons the address of the plaintiff, and also his own name or firm and place of business, and also, if his place of business shall be more than three miles from Temple Bar, another proper place, to be called his address for service, which shall not be more than three miles from Temple Bar, where writs, notices, petitions, orders, summonses, warrants, and other documents, proceedings, and written communications may be left for him. And where any such solicitor is only agent of another solicitor, he shall add to his own name or firm and place of business the name or firm and place of business of the principal solicitor.

2. A plaintiff suing in person shall indorse upon every writ of

summons and notice in lieu of service of a writ of summons his place of residence and occupation, and also, if his place of residence shall be more than three miles from Temple Bar, another proper place, to be called his address for service, which shall not be more than three miles from Temple Bar, where writs, notices, petitions, orders, summonses, warrants, and other documents, proceedings, and written communications may be left for him.

[*The above two Rules are to apply to all cases in which the writ of summons is issued out of the London office, or out of a district registry where the defendant has the option of entering an appearance either in the district registry or the London office.*]

3. In all other cases where a writ of summons is issued out of a district registry it shall be sufficient for the solicitor to give on the writ the address of the plaintiff and his own name or firm and his place of business within the district, or for the plaintiff if he sues in person to give on the writ his place of residence and occupation, and if his place of residence be not within the district, an address for service within the district.

ORDER V.

ISSUE OF WRITS OF SUMMONS.

1. *Place of issue.*

1. In any action other than a Probate action, the plaintiff wherever resident may issue a writ of summons out of the registry of any district.

2. In all cases where a defendant neither resides nor carries on business within the district out of the registry whereof a writ of summons is issued, there shall be a statement on the face of the writ of summons that such defendant may cause an appearance to be entered at his option either at the district registry or the London office, or a statement to the like effect.

3. In all cases where a defendant resides or carries on business within the district, and a writ of summons is issued out of the district registry, there shall be a statement on the face of the writ of summons that the defendant do cause an appearance to be entered at the district registry, or to the like effect.

2. *Option to choose division in certain cases.*

4. Subject to the power of transfer, every person by whom any cause or matter may be commenced in the High Court of Justice which would have been within the non-exclusive cognizance of the High Court of Admiralty if the said Act had not passed shall assign such cause or matter to any one of the divisions of the said High Court, including the Probate, Divorce, and Admiralty Division, as he may think fit, by marking the document by which the same is commenced with the name of the division, and giving notice thereof to the proper officer of the Court. If so marked for the Chancery Division the same shall be assigned to one of the Judges of such division by marking the same with the name of such of the said judges as the plaintiff or petitioner (subject to such power of transfer) may think fit.

3. *Generally.*

5. Writs of summons shall be prepared by the plaintiff or his solicitor, and shall be written or printed, or partly written and partly

printed, on paper of the same description as hereby directed in the case of proceedings directed to be printed.

6. Every writ of summons shall be sealed by the proper officer, and shall thereupon be deemed to be issued.

7. The plaintiff or his solicitor shall, on presenting any writ of summons for sealing, leave with the officer a copy, written or printed, or partly written and partly printed, on paper of the description aforesaid, of such writ, and all the indorsements thereon, and such copy shall be signed by or for the solicitor leaving the same, or by the plaintiff himself if he sues in person.

8. The officer receiving such copy shall file the same, and an entry of the filing thereof shall be made in a book to be called the Cause Book, which is to be kept in the manner in which Cause Books have heretofore been kept by the Clerks of Records and Writs in the Court of Chancery, and the action shall be distinguished by the date of the year, a letter, and a number, in the manner in which causes are now distinguished in such last-mentioned Cause Books.

9. Notice to the proper officer of the assignment of an action to any division of the Court under section 11 of the Supreme Court of Judicature Act, 1875, or under Rule 4 of this Order, shall be sufficiently given by leaving with him the copy of the writ of summons.

4. *In particular Actions.*

10. The issue of a writ of summons in Probate actions shall be preceded by the filing of an affidavit made by the plaintiff or one of the plaintiffs in verification of the indorsement on the writ.

11. In Admiralty actions in rem no writ of summons shall issue until an affidavit by the plaintiff or his agent has been filed, and the following provisions complied with:

(*a.*) The affidavit shall state the name and description of the party on whose behalf the action is instituted, the nature of the claim, the name and nature of the property to be arrested, and that the claim has not been satisfied.

(*b.*) In an action of wages the affidavit shall state the national character of the vessel proceeded against; and if against a foreign vessel, that notice of the institution of the action has been given to the Consul of the State to which the vessel belongs, if there be one resident in London [*a copy of the notice shall be annexed to the affidavit*].

(*c.*) In an action of bottomry, the bottomry bond, and if in a foreign language also a notarial translation thereof, shall be produced for the inspection and perusal of the Registrar, and a copy of the bond, or of the translation thereof, certified to be correct, shall be annexed to the affidavit.

(*d.*) In an action of distribution of salvage the affidavit shall state the amount of salvage money awarded or agreed to be accepted, and the name, address, and description of the party holding the same.

(*e.*) The Court or Judge may in any case, if he think fit, allow the writ of summons to issue although the affidavit may not contain all the required particulars. In a wages cause he may also waive the service of the notice, and in a cause of bottomry the production of the bond.

12. If, when any property is under arrest in Admiralty, a second or subsequent action is instituted against the same property, the solicitor in such second action may, subject to the preceding Rules, take out a writ of summons in rem and cause a caveat against the release

of the property to be entered in the Caveat Release Book herein-after mentioned.

ORDER VI.

CONCURRENT WRITS.

1. The plaintiff in any action may, at the time of or at any time during twelve months after the issuing of the original writ of summons, issue one or more concurrent writ or writs, each concurrent writ to bear teste of the same day as the original writ, and to be marked with a seal bearing the word "concurrent," and the date of issuing the concurrent writ; and such seal shall be impressed upon the writ by the proper officer: Provided always, that such concurrent writ or writs shall only be in force for the period during which the original writ in such action shall be in force.

2. A writ for service within the jurisdiction may be issued and marked as a concurrent writ with one for service, or whereof notice in lieu of service is to be given, out of the jurisdiction; and a writ for service, or whereof notice in lieu of service is to be given, out of the jurisdiction may be issued and marked as a concurrent writ with one for service within the jurisdiction.

ORDER VII.

DISCLOSURE BY SOLICITORS AND PLAINTIFFS.

1. Every solicitor whose name shall be indorsed on any writ of summons shall, on demand in writing made by or on behalf of any defendant who has been served therewith or has appeared thereto, declare forthwith whether such writ has been issued by him or with his authority or privity; and if such solicitor shall declare that the writ was not issued by him or with his authority or privity, all proceedings upon the same shall be stayed, and no further proceedings shall be taken thereupon without leave of the Court or a Judge.

2. When a writ is sued out by partners in the name of their firm, the plaintiffs or their solicitors shall, on demand in writing by or on behalf of any defendant, declare forthwith the names and places of residence of all the persons constituting the firm. And if the plaintiffs or their solicitor shall fail to comply with such demand, all proceedings in the action may, upon an application for that purpose, be stayed upon such terms as the Court or a Judge may direct. And when the names of the partners are so declared, the action shall proceed in the same manner and the same consequences in all respects shall follow as if they had been named as the plaintiffs in the writ. But all proceedings shall, nevertheless, continue in the name of the firm.

ORDER VIII.

RENEWAL OF WRIT.

1. No original writ of summons shall be in force for more than twelve months from the day of the date thereof, including the day of such date; but if any defendant therein named shall not have been served therewith, the plaintiff may, before the expiration of the twelve months, apply to a Judge, or the District Registrar, for leave to renew the writ; and the Judge or Registrar, if satisfied that reasonable efforts have been made to serve such defendant, or for other good reason, may order that the original or concurrent writ of summons

be renewed for six months from the date of such renewal, and so from time to time during the currency of the renewed writ. And the writ shall in such case be renewed by being marked with a seal bearing the date of the day, month, and year of such renewal; such seal to be provided and kept for that purpose at the proper office, and to be impressed upon the writ by the proper officer, upon delivery to him by the plaintiff or his solicitor of a memorandum in Form No. 5 in Appendix (A), Part I; and a writ of summons so renewed shall remain in force and be available to prevent the operation of any statute whereby the time for the commencement of the action may be limited, and for all other purposes, from the date of the issuing of the original writ of summons.

2. The production of a writ of summons purporting to be marked with the seal of the Court, showing the same to have been renewed in manner aforesaid, shall be sufficient evidence of its having been so renewed, and of the commencement of the action as of the first date of such renewed writ for all purposes.

ORDER IX.

SERVICE OF WRIT OF SUMMONS.

1. *Mode of Service.*

1. No service of writ shall be required when the defendant, by his solicitor, agrees to accept service, and enters an appearance.

2. When service is required the writ shall, wherever it is practicable, be served in the manner in which personal service is now made, but if it be made to appear to the Court or to a Judge that the plaintiff is from any cause unable to effect prompt personal service, the Court or Judge may make such order for substituted or other service, or for the substitution of notice for service, as may seem just.

2. *On particular Defendants.*

3. When husband and wife are both defendants to the action, service on the husband shall be deemed good service on the wife, but the Court or a Judge may order that the wife shall be served with or without service on the husband.

4. When an infant is a defendant to the action, service on his or her father or guardian, or if none, then upon the person with whom the infant resides or under whose care he or she is, shall, unless the Court or Judge otherwise orders, be deemed good service on the infant; provided that the Court or Judge may order that service made or to be made on the infant shall be deemed good service.

5. When a lunatic or person of unsound mind not so found by inquisition is a defendant to the action, service on the committee of the lunatic, or on the person with whom the person of unsound mind resides or under whose care he or she is, shall, unless the Court or Judge otherwise orders, be deemed good service on such defendant.

3. *On Partners and other Bodies.*

6. Where partners are sued in the name of their firm, the writ shall be served either upon any one or more of the partners or at the principal place within the jurisdiction of the business of the partnership upon any person having at the time of service the control or management of the partnership business there; and, subject

to the rules herein-after contained, such service shall be deemed good service upon the firm.

7. Whenever, by any statute, provision is made for service of any writ of summons, bill, petition, or other process upon any Corporation, or upon any hundred, or the inhabitants of any place, or any society or fellowship, or any body or number of persons, whether corporate or otherwise, every writ of summons may be served in the manner so provided.

4. *In particular Actions.*

8. Service of a writ of summons in an action to recover land may, in case of vacant possession, when it cannot otherwise be effected, be made by posting a copy of the writ upon the door of the dwelling-house or other conspicuous part of the property.

9. In Admiralty actions in rem, the writ shall be served by the Marshal or his substitutes, whether the property to be arrested be situate within the port of London or elsewhere within the jurisdiction of the Court, and the solicitor issuing the writ shall, within six days from the service thereof, file the same in the registry from which the writ issued.

10. In Admiralty actions in rem, service of a writ of summons against ship, freight, or cargo on board is to be effected by the Marshal or his officer nailing or affixing the original writ for a short time on the main mast or on the single mast of the vessel, and, on taking off the process, leaving a true copy of it nailed or fixed in its place.

11. If the cargo has been landed or transhipped, service of the writ of summons to arrest the cargo and freight shall be effected by placing the writ for a short time on the cargo, and on taking off the process by leaving a true copy upon it.

12. If the cargo be in the custody of a person who will not permit access to it, service of the writ may be made upon the custodian.

Generally.

13. The person serving a writ of summons shall, within three days at most after such service, indorse on the writ the day of the month and week of the service thereof, otherwise the plaintiff shall not be at liberty, in case of non-appearance, to proceed by default; and every affidavit of service of such writ shall mention the day on which such indorsement was made.

ORDER X.

Substituted Service.

Every application to the Court or a Judge, under Order IX., Rule 2, for an order for substituted or other service, or for the substitution of notice for service, shall be supported by an affidavit setting forth the grounds upon which the application is made.

ORDER XI.

Service out of the Jurisdiction.

1. Service out of the jurisdiction of a writ of summons or notice of a writ of summons may be allowed by the Court or a Judge whenever the whole or any part of the subject-matter of the action is land

or stock, or other property situate within the jurisdiction, or any act, deed, will, or thing affecting such land, stock, or property, and whenever the contract which is sought to be enforced or rescinded, dissolved, annulled, or otherwise affected in any such action, or for the breach whereof damages or other relief are or is demanded in such action, was made or entered into within the jurisdiction, and whenever there has been a breach within the jurisdiction of any contract wherever made, and whenever any act or thing sought to be restrained or removed, or for which damages are sought to be recovered, was or is to be done or is situate within the jurisdiction.

2. In Probate actions service of a writ of summons or notice of a writ of summons may by leave of the Court or Judge be allowed out of the jurisdiction.

3. Every application for an order for leave to serve such writ or notice on a defendant out of the jurisdiction shall be supported by evidence, by affidavit, or otherwise, showing in what place or country such defendant is or probably may be found, and whether such defendant is a British subject or not, and the grounds upon which the application is made.

4. Any order giving leave to effect such service or give such notice shall limit a time after such service or notice within which such defendant is to enter an appearance, such time to depend on the place or country where or within which the writ is to be served or the notice given.

5. Notice in lieu of service shall be given in the manner in which writs of summons are served.

ORDER XII.

APPEARANCE.

1. Except in the cases otherwise provided for by these Rules a defendant shall enter his appearance in London.

2. If any defendant to a writ issued in a district registry resides or carries on business within the district, he shall appear in the district registry.

3. If any defendant neither resides nor carries on business in the district, he may appear either in the district registry or in London.

4. If a sole defendant appears, or all the defendants appear in the district registry, or if all the defendants who appear appear in the district registry and the others make default in appearance, then, subject to the power of removal herein-after provided, the action shall proceed in the district registry.

5. If the defendant appears, or any of the defendants appear, in London the action shall proceed in London; provided that if the Court or a Judge shall be satisfied that the defendant appearing in London is a merely formal defendant, or has no substantial cause to interfere in the conduct of the action, such Court or Judge may order that the action may proceed in the district registry, notwithstanding such appearance in London.

6. A defendant shall enter his appearance to a writ of summons by delivering to the proper officer a memorandum in writing, dated on the day of the delivering the same, and containing the name of the defendant's solicitor, or stating that the defendant defends in person. A defendant who appears elsewhere than where the writ is issued shall on the same day give notice to the plaintiff of his appearance

either by notice in writing served in the ordinary way or by prepaid letter posted on that day in due course of post.

7. The solicitor of a defendant appearing by a solicitor shall state in such memorandum his place of business, and, if the appearance is entered in the London office, a place, to be called his address for service, which shall not be more than three miles from Temple Bar, and if the appearance is entered in a district registry, a place, to be called his address for service, which shall be within the district.

8. A defendant appearing in person shall state in such memorandum his address, and, if the appearance is entered in the London office, a place, to be called his address for service, which shall not be more than three miles from Temple Bar, and if the appearance is entered in a district registry, a place, to be called his address for service, which shall be within the district.

9. If the memorandum does not contain such address it shall not be received; and if any such address shall be illusory or fictitious, the appearance may be set aside by the Court or a Judge, on the application of the plaintiff.

10. The Memorandum of Appearance shall be in the Form No. 6, Appendix (A), Part I, with such variations as the circumstances of the case may require.

11. Upon receipt of a Memorandum of Appearance, the officer shall forthwith enter the appearance in the cause book.

12. Where partners are sued in the name of their firm, they shall appear individually in their own names. But all subsequent proceedings shall, nevertheless, continue in the name of the firm.

13. If two or more defendants in the same action shall appear by the same solicitor and at the same time, the names of all the defendants so appearing shall be inserted in one memorandum.

14. A solicitor not entering an appearance in pursuance of his written undertaking so to do on behalf of any defendant shall be liable to an attachment.

15. A defendant may appear at any time before judgment. If he appear at any time after the time limited for appearance he shall, on the same day, give notice thereof to the plaintiff's solicitor, or to the plaintiff himself if he sues in person, and he shall not, unless the Court or a Judge otherwise orders, be entitled to any further time for delivering his defence, or for any other purpose, than if he had appeared according to the writ.

16. In Probate actions any person not named in the writ may intervene and appear in the action as heretofore, on filing an affidavit showing how he is interested in the estate of the deceased.

17. In an Admiralty action in rem any person not named in the writ may intervene and appear as heretofore, on filing an affidavit showing that he is interested in the res under arrest, or in the fund in the registry.

18. Any person not named as a defendant in a writ of summons for the recovery of land may by leave of the Court or Judge appear and defend, on filing an affidavit showing that he is in possession of the land either by himself or his tenant.

19. Any person appearing to defend an action for the recovery of land as landlord in respect of property whereof he is in possession only by his tenant, shall state in his appearance that he appears as landlord.

20. Where a person not named as defendant in any writ of summons for the recovery of land has obtained leave of the Court or

Judge to appear and defend, he shall enter an appearance according to the foregoing rules, intituled in the action against the party or parties named in the writ as defendant or defendants, and shall forthwith give notice of such appearance to the plaintiff's solicitor, or to the plaintiff if he sues in person, and shall in all subsequent proceedings be named as a party defendant to the action.

21. Any person appearing to a writ of summons for the recovery of land shall be at liberty to limit his defence to a part only of the property mentioned in the writ, describing that part with reasonable certainty in his memorandum of appearance or in a notice intituled in the cause, and signed by him or his solicitor; such notice to be served within four days after appearance; and an appearance where the defence is not so limited shall be deemed an appearance to defend for the whole.

22. The notice mentioned in the last preceding Rule may be in the Form No. 7 in Part I of Appendix (A) hereto, with such variations as circumstances may require.

ORDER XIII.

DEFAULT OF APPEARANCE.

1. Where no appearance has been entered to a writ of summons for a defendant who is an infant or a person of unsound mind not so found by inquisition, the plaintiff may apply to the Court or a Judge for an order that some proper person be assigned guardian of such defendant, by whom he may appear and defend the action. But no such order shall be made unless it appears on the hearing of such application that the writ of summons was duly served, and that notice of such application was after the expiration of the time allowed for appearance, and at least six clear days before the day in such notice named for hearing the application, served upon or left at the dwelling-house of the person with whom or under whose care such defendant was at the time of serving such writ of summons, and also (in the case of such defendant being an infant not residing with or under the care of his father or guardian) served upon or left at the dwelling-house of the father or guardian, if any, of such infant, unless the Court or Judge at the time of hearing such application shall dispense with such last-mentioned service.

2. Where any defendant fails to appear to a writ of summons, and the plaintiff is desirous of proceeding upon default of appearance under any of the following Rules of this Order, or under Order XV., Rule 1, he shall, before taking such proceeding upon default, file an affidavit of service, or of notice in lieu of service, as the case may be.

3. In case of non-appearance by the defendant where the writ of summons is specially indorsed, under Order III., Rule 6, the plaintiff may sign final judgment for any sum not exceeding the sum indorsed on the writ, together with interest at the rate specified, if any, to the date of the judgment, and a sum for costs, but it shall be lawful for the Court or a Judge to set aside or vary such judgment upon such terms as may seem just.

4. Where there are several defendants to a writ specially indorsed for a debt or liquidated demand in money, under Order III., Rule 6, and one or more of them appear to the writ, and another or others of them do not appear, the plaintiff may enter final judgment against such as have not appeared, and may issue execution upon such judg-

ment without prejudice to his right to proceed with his action against such as have appeared.

5. Where the defendant fails to appear to the writ of summons and the writ is not specially indorsed, but the plaintiff's claim is for a debt or liquidated demand only, no statement of claim need be delivered, but the plaintiff may file an affidavit of service or notice in lieu of service, as the case may be, and a statement of the particulars of his claim in respect of the causes of action stated in the indorsement upon the writ, and may, after the expiration of eight days, enter final judgment for the amount shown thereby and costs to be taxed, provided that the amount shall not be more than the sum indorsed upon the writ besides costs.

6. Where the defendant fails to appear to the writ of summons and the plaintiff's claim is not for a debt or liquidated demand only, but for detention of goods and pecuniary damages, or either of them, no statement of claim need be delivered, but interlocutory judgment may be entered and a writ of inquiry shall issue to assess the value of the goods and the damages, or the damages only, as the case may be, in respect of the causes of action disclosed by the indorsement on the writ of summons. But the Court or a Judge may order that, instead of a writ of inquiry, the value and amount of damages, or either of them, shall be ascertained in any way in which any question arising in an action may be tried.

7. In case no appearance shall be entered in an action for the recovery of land, within the time limited for appearance, or if an appearance be entered but the defence be limited to part only, the plaintiff shall be at liberty to enter a judgment that the person whose title is asserted in the writ shall recover possession of the land, or of the part thereof to which the defence does not apply.

8. Where the plaintiff has indorsed a claim for mesne profits, arrears of rent, or damages for breach of contract, upon a writ for the recovery of land, he may enter judgment as in the last preceding Rule mentioned for the land; and may proceed as in the other preceding Rules of this order as to such other claim so indorsed.

9. In actions assigned by the 34th section of the Act to the Chancery Division, and in Probate actions, and in all other actions not by the Rules in this order otherwise specially provided for, in case the party served with the writ does not appear within the time limited for appearance, upon the filing by the plaintiff of a proper affidavit of service the action may proceed as if such party had appeared.

10. In an Admiralty action in rem, in which an appearance has not been entered, the plaintiff may proceed as follows:—

(*a.*) He may, after the expiration of twelve days from the filing of the writ of summons, take out a notice of sale, to be advertised by him in two or more public journals to be from time to time appointed by the judge.

(*b.*) After the expiration of six days from the advertisement of the notice of sale in the said journals, if an appearance has not been entered, the plaintiff shall file in the registry an affidavit to the effect that the said notices have been duly advertised, with copies of the journals annexed, as also such proofs as may be necessary to establish the claim, and a notice of motion to have the property sold.

(*c.*) If, when the motion comes before the Judge, he is satisfied that the claim is well founded he may order the property to be appraised and sold, and the proceeds to be paid into the registry.

(*d.*) If there be two or more actions by default pending against the same property, it shall not be necessary to take out a notice of sale in more than one of the actions; but if the plaintiff in the first action does not, within eighteen days from the filing of the writ in that action, take out and advertise the notice of sale, the plaintiff in the second or any subsequent action may take out and advertise the notice of sale, if he shall have filed in the registry a writ of summons in rem in such second or subsequent action.

(*e.*) Within six days from the time when the proceeds have been paid into the registry, the plaintiff in each action shall, if he has not previously done so, file his proofs in the registry and have the action placed on the list for hearing.

(*f.*) In an action of possession, after the expiration of six days from the filing of the writ, if an appearance has not been entered, the plaintiff may, on filing in the registry a memorandum, take out a notice of proceeding in the action, to be advertised by him in two or more public journals to be from time to time appointed by the Judge.

(*g.*) After the expiration of six days from the advertisement of the notice of proceeding in the said journals, if an appearance has not been entered, the plaintiff shall file in the registry an affidavit to the effect that the notice has been duly advertised with copies of the journals annexed, as also such proofs as may be necessary to establish the action, and shall have the action placed on the list for hearing.

(*h.*) If when the action comes before the Judge he is satisfied that the claim is well founded he may pronounce for the same, and decree possession of the vessel accordingly.

ORDER XIV.

LEAVE TO DEFEND WHERE WRIT SPECIALLY INDORSED.

1. Where the defendant appears on a writ of summons specially indorsed, under Order III., Rule 6, the plaintiff may, on affidavit verifying the cause of action, and swearing that in his belief there is no defence to the action, call on the defendant to show cause before the Court or a Judge why the plaintiff should not be at liberty to sign final judgment for the amount so indorsed, together with interest, if any, and costs; and the Court or Judge may, unless the defendant, by affidavit or otherwise, satisfy the Court or Judge that he has a good defence to the action on the merits, or disclose such facts as the Court or Judge may think sufficient to entitle him to be permitted to defend the action, make an order empowering the plaintiff to sign judgment accordingly.

2. The application by the plaintiff for leave to enter final judgment under the last preceding Rule shall be made by summons returnable not less than two clear days after service.

3. The defendant may show cause against such application by offering to bring into Court the sum indorsed on the writ, or by affidavit. In such affidavit he shall state whether the defence he alleges goes to the whole or to part only, and if so, to what part, of the plaintiff's claim. And the Judge may, if he think fit, order the defendant to attend and be examined upon oath; or to produce any books or documents or copies of or extracts therefrom.

4. If it appear that the defence set up by the defendant applies only to a part of the plaintiff's claim; or that any part of his claim is admitted to be due; the plaintiff shall have judgment forthwith for such part of his claim as the defence does not apply to or as is

admitted to be due; subject to such terms, if any, as to suspending execution, or the payment of the amount levied or any part thereof into Court by the sheriff, the taxation of costs, or otherwise, as the Judge may think fit. And the defendant may be allowed to defend as to the residue of the plaintiff's claim.

5. If it appears to the Judge that any defendant has a good defence to or ought to be permitted to defend the action, and that any other defendant has not such defence and ought not to be permitted to defend, the former may be permitted to defend, and the plaintiff shall be entitled to enter final judgment against the latter, and may issue execution upon such judgment without prejudice to his right to proceed with his action against the former.

6. Leave to defend may be given unconditionally or subject to such terms as to giving security, or otherwise, as the Court or a Judge may think fit.

ORDER XV.

APPLICATION FOR ACCOUNT WHERE WRIT INDORSED UNDER ORDER III., RULE 8.

1. In default of appearance to a summons indorsed under Order III., Rule 8, and after appearance unless the defendant, by affidavit or otherwise, satisfy the Court or a Judge that there is some preliminary question to be tried, an order for the account claimed, with all directions now usual in the Court of Chancery in similar cases, shall be forthwith made.

2. An application for such order as mentioned in the last preceding Rule shall be made by summons, and be supported by an affidavit filed on behalf of the plaintiff, stating concisely the grounds of his claim to an account. The application may be made at any time after the time for entering an appearance has expired.

ORDER XVI.

PARTIES.

1. All persons may be joined as plaintiffs in whom the right to any relief claimed is alleged to exist, whether jointly, severally, or in the alternative. And judgment may be given for such one or more of the plaintiffs as may be found to be entitled to relief, for such relief as he or they may be entitled to, without any amendment. But the defendant, though unsuccessful, shall be entitled to his costs occasioned by so joining any person or persons who shall not be found entitled to relief, unless the Court in disposing of the costs of the action shall otherwise direct.

2. Where an action has been commenced in the name of the wrong person as plaintiff, or where it is doubtful whether it has been commenced in the name of the right plaintiff or plaintiffs, the Court or a Judge may, if satisfied that it has been so commenced through a bonâ fide mistake, and that it is necessary for the determination of the real matter in dispute so to do, order any other person or persons to be substituted or added as plaintiff or plaintiffs upon such terms as may seem just.

3. All persons may be joined as defendants against whom the right to any relief is alleged to exist, whether jointly, severally, or in the alternative. And judgment may be given against such one or more of the defendants as may be found to be liable, according to their respective liabilities, without any amendment.

4. It shall not be necessary that every defendant to any action shall be interested as to all the relief thereby prayed for, or as to every cause of action included therein; but the Court or a Judge may make such order as may appear just to prevent any defendant from being embarrassed or put to expense by being required to attend any proceedings in such action in which he may have no interest.

5. The plaintiff may, at his option, join as parties to the same action all or any of the persons severally, or jointly and severally, liable on any one contract, including parties to bills of exchange and promissory notes.

6. Where in any action, whether founded upon contract or otherwise, the plaintiff is in doubt as to the person from whom he is entitled to redress, he may, in such manner as herein-after mentioned, or as may be prescribed by any special order, join two or more defendants, to the intent that in such action the question as to which, if any, of the defendants is liable, and to what extent, may be determined as between all parties to the action.

7. Trustees, executors, and administrators may sue and be sued on behalf of or as representing the property or estate of which they are trustees or representatives, without joining any of the parties beneficially interested in the trust or estate, and shall be considered as representing such parties in the action; but the Court or a Judge may, at any stage of the proceedings, order any of such parties to be made parties to the action, either in addition to or in lieu of the previously existing parties thereto.

8. Married women and infants may respectively sue as plaintiffs by their next friends, in the manner practised in the Court of Chancery before the passing of this Act; and infants may, in like manner, defend any action by their guardians appointed for that purpose. Married women may also, by the leave of the Court or a Judge, sue or defend without their husbands and without a next friend, on giving such security (if any) for costs as the Court or a Judge may require.

9. Where there are numerous parties having the same interest in one action, one or more of such parties may sue or be sued, or may be authorised by the Court to defend in such action, on behalf or for the benefit of all parties so interested.

10. Any two or more persons claiming or being liable as co-partners may sue or be sued in the name of their respective firms, if any; and any party to an action may in such case apply by summons to a Judge for a statement of the names of the persons who are co-partners in any such firm, to be furnished in such manner, and verified on oath or otherwise, as the Judge may direct.

11. Subject to the provisions of the Act, and these Rules, the provisions as to parties, contained in section 42 of 15 & 16 Victoria, chapter 86, shall be in force as to actions in the High Court of Justice.

12. Subject as last aforesaid, in all Probate actions the rules as to parties, heretofore in use in the Court of Probate, shall continue to be in force.

13. No action shall be defeated by reason of the mis-joinder of parties, and the Court may in every action deal with the matter in controversy so far as regards the rights and interests of the parties actually before it. The Court or a Judge may, at any stage of the proceedings, either upon or without the application of either party,

and on such terms as may appear to the Court or a Judge to be just, order that the name or names of any party or parties, whether as plaintiffs or as defendants, improperly joined be struck out, and that the name or names of any party or parties, whether plaintiffs or defendants, who ought to have been joined, or whose presence before the Court may be necessary in order to enable the Court effectually and completely to adjudicate upon and settle all the questions involved in the action, be added. No person shall be added as a plaintiff suing without a next friend, or as the next friend of a plaintiff under any disability, without his own consent thereto. All parties whose names are so added as defendants shall be served with a summons or notice in manner herein-after mentioned, or in such manner as may be prescribed by any special order, and the proceedings as against them shall be deemed to have begun only on the service of such summons or notice.

14. Any application to add or strike out or substitute a plaintiff or defendant may be made to the Court or a Judge at any time before trial by motion or summons, or at the trial of the action in a summary manner.

15. Where a defendant is added, unless otherwise ordered by the Court or Judge, the plaintiff shall file an amended copy of and sue out a writ of summons, and serve such new defendant with such writ or notice in lieu of service thereof in the same manner as original defendants are served.

16. If a statement of claim has been delivered previously to such defendant being added, the same shall, unless otherwise ordered by the Court or Judge, be amended in such manner as the making such new defendant a party shall render desirable, and a copy of such amended statement of claim shall be delivered to such new defendant at the time when he is served with the writ of summons or notice or afterwards, within four days after his appearance.

17. Where a defendant is or claims to be entitled to contribution or indemnity, or any other remedy or relief over against any other person, or where from any other cause it appears to the Court or a Judge that a question in the action should be determined not only as between the plaintiff and defendant, but as between the plaintiff, defendant, and any other person, or between any or either of them, the Court or a Judge may on notice being given to such last-mentioned person, make such order as may be proper for having the question so determined.

18. Where a defendant claims to be entitled to contribution, indemnity, or other remedy or relief over against any person not a party to the action, he may, by leave of the Court or a Judge, issue a notice to that effect, stamped with the seal with which writs of summons are sealed. A copy of such notice shall be filed with the proper officer and served on such person according to the rules relating to the service of writs of summons. The notice shall state the nature and grounds of the claim, and shall, unless otherwise ordered by the Court or a Judge, be served within the time limited for delivering his statement of defence. Such notice may be in the form or to the effect of the Form No. 1 in Appendix (B) hereto with such variations as circumstances may require, and therewith shall be served a copy of the statement of claim, or if there be no statement of claim, then a copy of the writ of summons in the action.

19. When under Rule 17 of this Order it is made to appear to the Court or a Judge at any time before or at the trial that a question

in the action should be determined, not only as between the plaintiff and defendant, but as between the plaintiff and the defendant and any other person, or between any or either of them, the Court or a Judge, before or at the time of making the order for having such question determined, shall direct such notice to be given by the plaintiff at such time and to such person and in such manner as may be thought proper, and if made at the trial the Judge may postpone such trial as he may think fit.

20. If a person not a party to the action, who is served as mentioned in Rule 18, desires to dispute the plaintiff's claim in the action as against the defendant on whose behalf the notice has been given, he must enter an appearance in the action within eight days from the service of the notice. In default of his so doing, he shall be deemed to admit the validity of the judgment obtained against such defendant, whether obtained by consent or otherwise. Provided always, that a person so served and failing to appear within the said period of eight days may apply to the Court or a Judge for leave to appear, and such leave may be given upon such terms, if any, as the Court or a Judge shall think fit.

21. If a person not a party to the action served under these Rules appears pursuant to the notice, the party giving the notice may apply to the Court or a Judge for directions as to the mode of having the question in the action determined; and the Court or Judge, upon the hearing of such application, may, if it shall appear desirable so to do, give the person so served liberty to defend the action upon such terms as shall seem just, and may direct such pleadings to be delivered, or such amendments in any pleadings to be made, and generally may direct such proceedings to be taken, and give such directions as to the Court or a Judge shall appear proper for having the question most conveniently determined, and as to the mode and extent in or to which the person so served shall be bound or made liable by the decision of the question.

ORDER XVII.

JOINDER OF CAUSES OF ACTION.

1. Subject to the following Rules, the plaintiff may unite in the same action and in the same statement of claim several causes of action, but if it appear to the Court or a Judge that any such causes of action cannot be conveniently tried or disposed of together, the Court or Judge may order separate trials of any of such causes of action to be had, or may make such other order as may be necessary or expedient for the separate disposal thereof.

2. No cause of action shall unless by leave of the Court or a Judge be joined with an action for the recovery of land, except claims in respect of mesne profits or arrears of rent in respect of the premises claimed, or any part thereof, and damages for breach of any contract under which the same or any part thereof are held.

3. Claims by a trustee in bankruptcy as such shall not, unless by leave of the Court or a Judge, be joined with any claim by him in any other capacity.

4. Claims by or against husband and wife may be joined with claims by or against either of them separately.

5. Claims by or against an executor or administrator as such may be joined with claims by or against him personally, provided the last-mentioned claims are alleged to arise with reference to the estate

in respect of which the plaintiff or defendant sues or is sued as executor or administrator.

6. Claims by plaintiffs jointly may be joined with claims by them or any of them separately against the same defendant.

7. The last three preceding Rules shall be subject to Rule 1 of this Order, and to the Rules herein-after contained.

8. Any defendant alleging that the plaintiff has united in the same action several causes of action which cannot be conveniently disposed of in one action, may at any time apply to the Court or a Judge for an order confining the action to such of the causes of action as may be conveniently disposed of in one proceeding.

9. If, on the hearing of such application as in the last preceding Rule mentioned, it shall appear to the Court or a Judge that the causes of action are such as cannot all be conveniently disposed of in one action, the Court or a Judge may order any of such causes of action to be excluded, and may direct the statement of claim, or, if no statement of claim has been delivered, the copy of the writ of summons, and the indorsement of claim on the writ of summons, to be amended accordingly, and may make such order as to costs as may be just.

ORDER XVIII.

Actions by and against Lunatics and Persons of unsound Mind.

In all cases in which lunatics and persons of unsound mind not so found by inquisition might respectively before the passing of the Act have sued as plaintiffs or would have been liable to be sued as defendants in any action or suit, they may respectively sue as plaintiffs in any action by their committee or next friend in manner practised in the Court of Chancery before the passing of the said Act, and may in like manner defend any action by their committees or guardians appointed for that purpose.

ORDER XIX.

Pleading Generally.

1. The following rules of pleading shall be substituted for those heretofore used in the High Court of Chancery and in the Courts of Common Law, Admiralty, and Probate.

2. Unless the defendant in an action at the time of his appearance shall state that he does not require the delivery of a statement of complaint, the plaintiff shall within such time and in such manner as herein-after prescribed, deliver to the defendant after his appearance a statement of his complaint and of the relief or remedy to which he claims to be entitled. The defendant shall within such time and in such manner as herein-after prescribed deliver to the plaintiff a statement of his defence, set-off, or counter-claim (if any), and the plaintiff shall in like manner deliver a statement of his reply (if any) to such defence, set-off, or counter-claim. Such statements shall be as brief as the nature of the case will admit, and the Court in adjusting the costs of the action shall inquire at the instance of any party into any unnecessary prolixity, and order the costs occasioned by such prolixity to be borne by the party chargeable with the same.

3. A defendant in an action may set-off, or set up, by way of counter-claim against the claims of the plaintiff, any right or claim, whether such set-off or counter-claim sound in damages or not, and

such set-off or counter-claim shall have the same effect as a statement of claim in a cross action, so as to enable the Court to pronounce a final judgment in the same action, both on the original and on the cross claim. But the Court or a Judge may, on the application of the plaintiff before trial, if in the opinion of the Court or Judge such set-off or counter-claim cannot be conveniently disposed of in the pending action, or ought not to be allowed, refuse permission to the defendant to avail himself thereof.

4. Every pleading shall contain as concisely as may be a statement of the material facts on which the party pleading relies, but not the evidence by which they are to be proved, such statement being divided into paragraphs, numbered consecutively, and each paragraph containing, as nearly as may be, a separate allegation. Dates, sums, and numbers shall be expressed in figures and not in words. Signature of counsel shall not be necessary. Forms similar to those in Appendix (C.) hereto may be used.

5. Every pleading which shall contain less than three folios of 72 words each (every figure being counted as one word) may be either printed or written, or partly printed and partly written, and every other pleading, not being a petition or summons, shall be printed.

6. Every pleading or other document required to be delivered to a party, or between parties, shall be delivered in the manner now in use to the solicitor of every party who appears by a solicitor, or to the party if he does not appear by a solicitor, but if no appearance has been entered for any party, then such pleading or document shall be delivered by being filed with the proper officer.

7. Every pleading in an action shall be delivered between parties, and shall be marked on the face with the date of the day on which it is delivered, and with the reference to the letter and number of the action, the Division to which and the Judge (if any) to whom the action is assigned, the title of the action, the description of the pleading, and the name and place of business of the solicitor and agent, if any, delivering the same, or the name and address of the party delivering the same if he does not act by a solicitor.

8. Every statement of claim shall state specifically the relief which the plaintiff claims, either simply or in the alternative, and may also ask for general relief. And the same rule shall apply to any counter-claim made, or relief claimed by the defendant, in his statement of defence. If the plaintiff's claim be for discovery only the statement of claim shall show it.

9. Where the plaintiff seeks relief in respect of several distinct claims or causes of complaint founded upon separate and distinct facts, they shall be stated, as far as may be, separately and distinctly. And the same rule shall apply where the defendant relies upon several distinct grounds of defence, set-off, or counter-claim founded upon separate and distinct facts.

10. Where any defendant seeks to rely upon any facts as supporting a right of set-off or counter-claim, he shall, in his statement of defence, state specifically that he does so by way of set-off or counter-claim.

11. If either party wishes to deny the right of any other party to claim as executor, or as trustee whether in bankruptcy or otherwise, or in any representative or other alleged capacity, or the alleged constitution of any partnership firm, he shall deny the same specifically.

12. In Probate actions where the plaintiff disputes the interest of the defendant, he shall allege in his statement of claim that he denies the defendant's interest.

13. No plea or defence shall be pleaded in abatement.

14. No new assignment shall hereafter be necessary or used. But everything which has heretofore been alleged by way of new assignment may hereafter be introduced by amendment of the statement of claim.

15. No defendant in an action for the recovery of land who is in possession by himself or his tenant need plead his title, unless his defence depends on an equitable estate or right or he claims relief upon any equitable ground against any right or title asserted by the plaintiff. But, except in the cases herein-before mentioned, it shall be sufficient to state by way of defence that he is so in possession. And he may nevertheless rely upon any ground of defence which he can prove, except as herein-before mentioned.

16. Nothing in these Rules contained shall affect the right of any defendant to plead not guilty by statute. And every defence of not guilty by statute shall have the same effect as a plea of not guilty by statute has heretofore had. But if the defendant so plead he shall not plead any other defence without the leave of the Court or a Judge.

17. Every allegation of fact in any pleading in an action, not being a petition or summons, if not denied specifically or by necessary implication, or stated to be not admitted in the pleading of the opposite party, shall be taken to be admitted, except as against an infant, lunatic, or person of unsound mind not so found by inquisition.

18. Each party in any pleading, not being a petition or summons, must allege all such facts not appearing in the previous pleadings as he means to rely on, and must raise all such grounds of defence or reply, as the case may be, as if not raised on the pleadings would be likely to take the opposite party by surprise, or would raise new issues of fact not arising out of the pleadings, as for instance, fraud, or that any claim has been barred by the Statute of Limitations or has been released.

19. No pleading, not being a petition or summons, shall, except by way of amendment, raise any new ground of claim or contain any allegation of fact inconsistent with the previous pleadings of the party pleading the same.

20. It shall not be sufficient for a defendant in his defence to deny generally the facts alleged by the statement of claim, or for a plaintiff in his reply to deny generally the facts alleged in a defence by way of counter-claim, but each party must deal specifically with each allegation of fact of which he does not admit the truth.

21. Subject to the last preceding Rule, the plaintiff by his reply may join issue upon the defence, and each party in his pleading, if any, subsequent to reply, may join issue upon the previous pleading. Such joinder of issue shall operate as a denial of every material allegation of fact in the pleading upon which issue is joined, but it may except any facts which to the party may be willing to admit, and shall then operate as a denial of the facts not so admitted.

22. When a party in any pleading denies an allegation of fact in the previous pleading of the opposite party, he must not do so evasively, but answer the point of substance. Thus, if it be alleged that he received a certain sum of money, it shall not be sufficient to deny that he received that particular amount, but he must deny that he

received that sum or any part thereof, or else set out how much he received. And so when a matter of fact is alleged with divers circumstances, it shall not be sufficient to deny it as alleged along with those circumstances, but a fair and substantial answer must be given.

23. When a contract is alleged in any pleading, a bare denial of the contract by the opposite party shall be construed only as a denial of the making of the contract in fact, and not of its legality or its sufficiency in law, whether with reference to the Statute of Frauds or otherwise.

24. Wherever the contents of any document are material, it shall be sufficient in any pleading to state the effect thereof as briefly as possible, without setting out the whole or any part thereof unless the precise words of the document or any part thereof are material.

25. Wherever it is material to allege malice, fraudulent intention, knowledge, or other condition of the mind of any person, it shall be sufficient to allege the same as a fact without setting out the circumstances from which the same is to be inferred.

26. Wherever it is material to allege notice to any person of any fact, matter, or thing, it shall be sufficient to allege such notice as a fact, unless the form or the precise terms of such notice be material.

27. Wherever any contract or any relation between any persons does not arise from an express agreement, but is to be implied from a series of letters or conversations, or otherwise from a number of circumstances, it shall be sufficient to allege such contract or relation as a fact, and to refer generally to such letters, conversations, or circumstances without setting them out in detail. And if in such case the person so pleading desires to rely in the alternative upon more contracts or relations than one as to be implied from such circumstances, he may state the same in the alternative.

28. Neither party need in any pleading allege any matter of fact which the law presumes in his favour or as to which the burden of proof lies upon the other side, unless the same has first been specifically denied.

[E g.—Consideration for a bill of exchange where the plaintiff sues only on the bill, and not for the consideration as a substantive ground of claim.]

29. Where an action proceeds in a district registry all pleadings and other documents required to be filed shall be filed in the district registry.

30. In actions for damage by collision between vessels, unless the Court or a Judge shall otherwise order, each solicitor shall, before any pleading is delivered, file with the proper officer a document to be called a Preliminary Act, which shall be sealed up and shall not be opened until ordered by the Court or a Judge, and which shall contain a statement of the following particulars:—

(*a.*) The names of the vessels which came into collision and the names of their masters.

(*b.*) The time of the collision.

(*c.*) The place of the collision.

(*d.*) The direction of the wind.

(*e.*) The state of the weather.

(*f.*) The state and force of the tide.

(*g.*) The course and speed of the vessel when the other was first seen.

(*h.*) The lights, if any, carried by her.

(*i.*) The distance and bearing of the other vessel when first seen.

(*k.*) The lights, if any, of the other vessel which were first seen.

(*l.*) Whether any lights of the other vessel, other than those first seen, came into view before the collision.

(*m.*) What measures were taken, and when, to avoid the collision.

(*n.*) The parts of each vessel which first came into contact.

If both solicitors consent, the Court or a Judge may order the preliminary acts to be opened and the evidence to be taken thereon without its being necessary to deliver any pleadings.

ORDER XX.

Pleading Matters arising pending the Action.

1. Any ground of defence which has arisen after action brought, but before the defendant has delivered his statement of defence, and before the time limited for his doing so has expired, may be pleaded by the defendant in his statement of defence, either alone or together with other grounds of defence. And if, after a statement of defence has been delivered, any ground of defence arises to any set-off or counter-claim alleged therein by the defendant, it may be pleaded by the plaintiff in his reply, either alone or together with any other ground of reply.

2. Where any ground of defence arises after the defendant has delivered a statement of defence, or after the time limited for his doing so has expired, the defendant may, and where any ground of defence to any set-off or counter-claim arises after reply, or after the time limited for delivering a reply has expired, the plaintiff may, within eight days after such ground of defence has arisen, and by leave of the Court or a Judge, deliver a further defence or further reply, as the case may be, setting forth the same.

3. Whenever any defendant, in his statement of defence, or in any further statement of defence as in the last Rule mentioned, alleges any ground of defence which has arisen after the commencement of the action, the plaintiff may deliver a confession of such defence, which confession may be in the Form No. 2 in Appendix (B.) hereto, with such variations as circumstances may require, and he may thereupon sign judgment for his costs up to the time of the pleading of such defence unless the Court or a Judge shall, either before or after the delivery of such confession, otherwise order.

ORDER XXI.

Statement of Claim.

1. Subject to Rules 2 and 3 of this Order, the delivery of statements of claim shall be regulated as follows:—

(*a.*) If the defendant shall not state that he does not require the delivery of a statement of claim, the plaintiff shall, unless otherwise ordered by the Court or a Judge, deliver it within six weeks from the time of the defendant's entering his appearance.

(*b.*) The plaintiff may, if he think fit, at any time after the issue of the writ of summons, deliver a statement of claim, with the writ of summons or notice in lieu of writ of summons, or at any time afterwards, either before or after appearance, and although the defendant may have appeared and stated that he does not require the delivery of a statement of claim: Provided that in no case where a defendant has appeared shall a statement be delivered more than six weeks after

the appearance has been entered unless otherwise ordered by the Court or a Judge.

(*c.*) Where a plaintiff delivers a statement of claim without being required to do so, the Court or a Judge may make such order as to the costs occasioned thereby as shall seem just, if it appears that the delivery of a statement of claim was unnecessary or improper.

2. In Probate actions the plaintiff shall, unless otherwise ordered by the Court or a Judge, deliver his statement of claim within six weeks from the entry of appearance by the defendant, or from the time limited for his appearance, in case he has made default; but where the defendant has appeared the plaintiff shall not be compelled to deliver it until the expiration of eight days after the defendant has filed his affidavit as to scripts.

3. In Admiralty actions in rem the plaintiff shall, within twelve days from the appearance of the defendant, deliver his statement of claim.

4. Where the writ is specially indorsed, and the defendant has not dispensed with a statement of claim, it shall be sufficient for the plaintiff to deliver as his statement of claim a notice to the effect that his claim is that which appears by the indorsement upon the writ, unless the Court or a Judge shall order him to deliver a further statement. Such notice may be either written or printed or partly written and partly printed, and may be in the Form No. 3 in Appendix (B.) hereto, and shall be marked on the face in the same manner as is required in the case of an ordinary statement of claim. And when the plaintiff is ordered to deliver such further statement it shall be delivered within such time as by such order shall be directed, and if no time be so limited then within the time prescribed by Rule 1 of this Order.

ORDER XXII.

DEFENCE.

1. Where a statement of claim is delivered to a defendant he shall deliver his defence within eight days from the delivery of the statement of claim, or from the time limited for appearance, whichever shall be last, unless such time is extended by the Court or a Judge.

2. A defendant who has appeared in an action and stated that he does not require the delivery of a statement of claim, and to whom a statement of claim is not delivered, may deliver a defence at any time within eight days after his appearance, unless such time is extended by the Court or a Judge.

3. Where leave has been given to a defendant to defend under Order XIV., Rule 1, he shall deliver his defence, if any, within such time as shall be limited by the order giving him leave to defend, or if no time is thereby limited, then within eight days after the order.

4. Where the Court or a Judge shall be of opinion that any allegations of fact denied or not admitted by the defence ought to have been admitted, the Court may make such order as shall be just with respect to any extra costs occasioned by their having been denied or not admitted.

5. Where a defendant by his defence sets up any counter-claim which raises questions between himself and the plaintiff along with any other person or persons, he shall add to the title of his defence a further title similar to the title in a statement of complaint, setting forth the names of all the persons who, if such counter-claim were to

be enforced by cross action, would be defendants to such cross action, and shall deliver his defence to such of them as are parties to the action within the period within which he is required to deliver it to the plaintiff.

6. Where any such person as in the last preceding Rule mentioned is not a party to the action, he shall be summoned to appear by being served with a copy of the defence, and such service shall be regulated by the same Rules as are herein-before contained with respect to the service of a writ of summons, and every defence so served shall be indorsed in the Form No. 4 in Appendix (B.) hereto, or to the like effect.

7. Any person not a defendant to the action, who is served with a defence and counter-claim as aforesaid, must appear thereto as if he had been served with a writ of summons to appear in an action.

8. Any person named in a defence as a party to a counter-claim thereby made may deliver a reply within the time within which he might deliver a defence if it were a statement of claim.

9. Where a defendant by his statement of defence sets up a counter-claim, if the plaintiff or any other person named in manner aforesaid as party to such counter-claim contends that the claim thereby raised ought not to be disposed of by way of counter-claim, but in an independent action, he may at any time before reply, apply to the Court or a Judge for an order that such counter-claim may be excluded, and the Court or a Judge may, on the hearing of such application, make such order as shall be just.

10. Where in any action a set-off or counter-claim is established as a defence against the plaintiff's claim, the Court may, if the balance is in favour of the defendant, give judgment for the defendant for such balance, or may otherwise adjudge to the defendant such relief as he may be entitled to upon the merits of the case.

11. In Probate actions the party opposing a will may, with his defence, give notice to the party setting up the will that he merely insists upon the will being proved in solemn form of law, and only intends to cross-examine the witnesses produced in support of the will, and he shall thereupon be at liberty to do so, and shall be subject to the same liabilities in respect of costs as he would have been under similar circumstances according to the practice of the Court of Probate.

ORDER XXIII.

DISCONTINUANCE.

The plaintiff may, at any time before receipt of the defendant's statement of defence, or after the receipt thereof before taking any other proceeding in the action (save any interlocutory application), by notice in writing, wholly discontinue his action or withdraw any part or parts of his alleged cause of complaint, and thereupon he shall pay the defendant's costs of the action, or, if the action be not wholly discontinued, the defendant's costs occasioned by the matter so withdrawn. Such costs shall be taxed, and such discontinuance or withdrawal, as the case may be, shall not be a defence to any subsequent action. Save as in this Rule otherwise provided, it shall not be competent for the plaintiff to withdraw the Record or discontinue the action without leave of the Court or a Judge, but the Court or a Judge may, before, or at, or after the hearing or trial, upon such terms as to costs, and as to any other action, and otherwise

as may seem fit, order the action to be discontinued, or any part of the alleged cause of complaint to be struck out. The Court or a Judge may, in like manner, and with the like discretion as to terms, upon the application of a defendant, order the whole or any part of his alleged grounds of defence or counter-claim to be withdrawn or struck out, but it shall not be competent to a defendant to withdraw his defence, or any part thereof, without such leave.

ORDER XXIV.

REPLY AND SUBSEQUENT PLEADINGS.

1. A plaintiff shall deliver his reply, if any, within three weeks after the defence or the last of the defences shall have been delivered, unless the time shall be extended by the Court or a Judge.

2. No pleading subsequent to reply other than a joinder of issue shall be pleaded without leave of the Court or a Judge, and then upon such terms as the Court or Judge shall think fit.

3. Subject to the last preceding Rule, every pleading subsequent to reply shall be delivered within four days after the delivery of the previous pleading, unless the time shall be extended by the Court or a Judge.

ORDER XXV.

CLOSE OF PLEADINGS.

As soon as either party has joined issue upon any pleading of the opposite party simply without adding any further or other pleading thereto, the pleadings as between such parties shall be deemed to be closed.

ORDER XXVI.

ISSUES.

Where in any action it appears to a Judge that the statement of claim or defence or reply does not sufficiently define the issues of fact in dispute between the parties, he may direct the parties to prepare issues, and such issues shall, if the parties differ, be settled by the Judge.

ORDER XXVII.

AMENDMENT OF PLEADINGS.

1. The Court or a Judge may, at any stage of the proceedings, allow either party to alter his statement of claim or defence or reply, or may order to be struck out or amended any matter in such statements respectively which may be scandalous, or which may tend to prejudice, embarrass, or delay the fair trial of the action, and all such amendments shall be made as may be necessary for the purpose of determining the real questions or question in controversy between the parties.

2. The plaintiff may, without any leave, amend his statement of claim once at any time before the expiration of the time limited for reply and before replying, or, where no defence is delivered, at any time before the expiration of four weeks from the appearance of the defendant who shall have last appeared.

3. A defendant who has set up in his defence any set-off or counter-claim may, without any leave, amend such set-off or counter-

claim at any time before the expiration of the time allowed him for pleading to the reply, and before pleading thereto, or in case there be no reply, then at any time before the expiration of twenty-eight days from the filing of his defence.

4. Where any party has amended his pleading under either of the last two preceding Rules, the opposite party may, within eight days after the delivery to him of the amended pleading, apply to the Court, or a Judge, to disallow the amendment, or any part thereof, and the Court or Judge may, if satisfied that the justice of the case requires it, disallow the same, or allow it subject to such terms as to costs or otherwise as may seem just.

5. Where any party has amended his pleading under Rule 2 or 3 of this Order, the other party may apply to the Court or a Judge for leave to plead or amend his former pleading within such time and upon such terms as may seem just.

6. In all cases not provided for by the preceding Rules of this Order, application for leave to amend any pleading may be made by either party to the Court or a Judge in Chambers, or to the Judge at the trial of the action, and such amendment may be allowed upon such terms as to costs or otherwise as may seem just.

7. If a party who has obtained an order for leave to amend a pleading delivered by him does not amend the same within the time limited for that purpose by the order, or if no time is thereby limited, then within fourteen days from the date of the order, such order to amend shall, on the expiration of such limited time as aforesaid, or of such fourteen days, as the case may be, become ipso facto void, unless the time is extended by the Court or a Judge.

8. A pleading may be amended by written alterations in the pleading which has been delivered, and by additions on paper to be interleaved therewith if necessary, unless the amendments require the insertion of more than 144 words in any one place, or are so numerous or of such a nature that the making them in writing would render the pleading difficult or inconvenient to read, in either of which cases the amendment must be made by delivering a print of the pleading as amended.

9. Whenever any pleading is amended, such pleading when amended shall be marked with the date of the order, if any, under which the same is so amended, and of the day on which such amendment is made, in manner following, viz.: "Amended
day of ."

10. Whenever a pleading is amended, such amended pleading shall be delivered to the opposite party within the time allowed for amending the same.

ORDER XXVIII.

DEMURRER.

1. Any party may demur to any pleading of the opposite party, or to any part of a pleading setting up a distinct cause of action, ground of defence, set-off, counter-claim, reply, or as the case may be, on the ground that the facts alleged therein do not show any cause of action, or ground of defence to a claim or any part thereof, or set-off, or counter-claim, or reply, or as the case may be, to which effect can be given by the Court as against the party demurring.

2. A demurrer shall state specifically whether it is to the whole or to a part, and if so, to what part, of the pleading of the opposite

party. It shall state some ground in law for the demurrer, but the party demurring shall not, on the argument of the demurrer, be limited to the ground so stated. A demurrer may be in the Form 28 in Appendix (C.) hereto. If there is no ground, or only a frivolous ground of demurrer stated, the Court or Judge may set aside such demurrer, with costs.

3. A demurrer shall be delivered in the same manner and within the same time as any other pleading in the action.

4. A defendant desiring to demur to part of a statement of claim, and to put in a defence to the other part, shall combine such demurrer and defence in one pleading. And so in every case where a party entitled to put in a further pleading desires to demur to part of the last pleading of the opposite party he shall combine such demurrer and other pleading.

5. If the party demurring desires to be at liberty to plead as well as demur to the matter demurred to, he may, before demurring, apply to the Court or a Judge for an order giving him leave to do so; and the Court or Judge, if satisfied that there is reasonable ground for the demurrer, may make an order accordingly, or may reserve leave to him to plead after the demurrer is overruled, or may make such other order and upon such terms as may be just.

6. When a demurrer either to the whole or part of a pleading is delivered, either party may enter the demurrer for argument immediately, and the party so entering such demurrer shall on the same day give notice thereof to the other party. If the demurrer shall not be entered and notice thereof given within ten days after delivery, and if the party whose pleading is demurred to does not within such time serve an order for leave to amend, the demurrer shall be held sufficient for the same purposes and with the same result as to costs as if it had been allowed on argument.

7. While a demurrer to the whole or any part of a pleading is pending, such pleading shall not be amended, unless by order of the Court or a Judge; and no such order shall be made except on payment of the costs of the demurrer.

8. Where a demurrer to the whole or part of any pleading is allowed upon argument, the party whose pleading is demurred to shall, unless the Court otherwise order, pay to the demurring party the costs of the demurrer.

9. If a demurrer to the whole of a statement of claim be allowed, the plaintiff, subject to the power of the Court to allow the statement of claim to be amended, shall pay to the demurring defendant the costs of the action, unless the Court shall otherwise order.

10. Where a demurrer to any pleading or part of a pleading is allowed in any case not falling within the last preceding Rule, then (subject to the power of the Court to allow an amendment) the matter demurred to shall as between the parties to the demurrer be deemed to be struck out of the pleadings, and the rights of the parties shall be the same as if it had not been pleaded.

11. Where a demurrer is overruled the demurring party shall pay to the opposite party the costs occasioned by the demurrer, unless the Court shall otherwise direct.

12. Where a demurrer is overruled the Court may make such order and upon such terms as to the Court shall seem right for allowing the demurring party to raise by pleading any case he may be desirous to set up in opposition to the matter demurred to.

13. A demurrer shall be entered for argument by delivering to the proper officer a memorandum of entry in the Form No. 29 in Appendix (C.)

ORDER XXIX.

DEFAULT OF PLEADING.

1. If the plaintiff, being bound to deliver a statement of claim, does not deliver the same within the time allowed for that purpose, the defendant may, at the expiration of that time, apply to the Court or a Judge to dismiss the action with costs, for want of prosecution; and on the hearing of such application the Court or Judge may, if no statement of claim have been delivered, order the action to be dismissed accordingly, or may make such other order on such terms as to the Court or Judge shall seem just.

2. If the plaintiff's claim be only for a debt or liquidated demand, and the defendant does not, within the time allowed for that purpose, deliver a defence or demurrer, the plaintiff may, at the expiration of such time, enter final judgment for the amount claimed, with costs.

3. When in any such action as in the last preceding Rule mentioned there are several defendants, if one of them make default as mentioned in the last preceding Rule, the plaintiff may enter final judgment against the defendant so making default, and issue execution upon such judgment without prejudice to his right to proceed with his action against the other defendants.

4. If the plaintiff's claim be for detention of goods and pecuniary damages, or either of them, and the defendant makes default as mentioned in Rule 2, the plaintiff may enter an interlocutory judgment against the defendant, and a writ of inquiry shall issue to assess the value of the goods, and the damages, or the damages only, as the case may be. But the Court or a Judge may order that, instead of a writ of inquiry, the value and amount of damages, or either of them, shall be ascertained in any way in which any question arising in an action may be tried.

5. When in any such action as in Rule 4 mentioned there are several defendants, if one of them make default as mentioned in Rule 2, the plaintiff may enter an interlocutory judgment against the defendant so making default, and proceed with his action against the others. And in such case, damages against the defendant making default shall be assessed at the same time with the trial of the action or issues therein against the other defendants, unless the Court or a Judge shall otherwise direct.

6. If the plaintiff's claim be for a debt or liquidated demand, and also for detention of goods and pecuniary damages, or pecuniary damages only, and the defendant makes default as mentioned in Rule 2, the plaintiff may enter final judgment for the debt or liquidated demand, and also enter interlocutory judgment for the value of the goods and the damages, or the damages only, as the case may be, and proceed as mentioned in Rule 4.

7. In an action for the recovery of land, if the defendant makes default as mentioned in Rule 2, the plaintiff may enter a judgment that the person whose title is asserted in the writ of summons shall recover possession of the land, with his costs.

8. Where the plaintiff has endorsed a claim for mesne profits, arrears of rent, or damages for breach of contract upon a writ for the recovery of land, if the defendant makes default as mentioned in

Rule 2, or if there be more than one defendant, some or one of the defendants make such default, the plaintiff may enter judgment against the defaulting defendant or defendants and proceed as mentioned in Rules 4 and 5.

9. In Probate actions, if any defendant make default in filing and delivering a defence or demurrer, the action may proceed, notwithstanding such default.

10. In all other actions than those in the preceding Rules of this Order mentioned, if the defendant makes default in delivering a defence or demurrer, the plaintiff may set down the action on motion for judgment, and such judgment shall be given as upon the statement of claim the Court shall consider the plaintiff to be entitled to.

11. Where, in any such action as mentioned in the last preceding Rule, there are several defendants, then, if one of such defendants make such default as aforesaid, the plaintiff may either set down the action at once on motion for judgment against the defendant so making default, or may set it down against him at the time when it is entered for trial or set down on motion for judgment against the other defendants.

12. If the plaintiff does not deliver a reply or demurrer, or any party does not deliver any subsequent pleading, or a demurrer, within the period allowed for that purpose, the pleadings shall be deemed to be closed at the expiration of that period, and the statements of fact in the pleading last delivered shall be deemed to be admitted.

13. In any case in which issues arise in an action other than between plaintiff and defendant, if any party to any such issue makes default in delivering any pleading, the opposite party may apply to the Court or a Judge for such judgment, if any, as upon the pleadings he may appear to be entitled to. And the Court may order judgment to be entered accordingly, or may make such other order as may be necessary to do complete justice between the parties.

14. Any judgment by default, whether under this Order or under any other of these Rules, may be set aside by the Court or a Judge, upon such terms as to costs or otherwise as such Court or Judge may think fit.

ORDER XXX.

PAYMENT INTO COURT IN SATISFACTION.

1. Where any action is brought to recover a debt or damages, any defendant may at any time after service of the writ, and before or at the time of delivering his defence, or by leave of the Court or a Judge at any later time, pay into Court a sum of money by way of satisfaction or amends. Payment into Court shall be pleaded in the defence, and the claim or cause of action in respect of which such payment shall be made shall be specified therein.

2. Such sum of money shall be paid to the proper officer, who shall give a receipt for the same. If such payment be made before delivering his defence the defendant shall thereupon serve upon the plaintiff a notice that he has paid in such money, and in respect of what claim, in the Form No. 5 in Appendix (B.) hereto.

3. Money paid into Court as aforesaid may, unless otherwise ordered by a Judge, be paid out to the plaintiff, or to his solicitor on the written authority of the plaintiff. No affidavit shall be necessary to verify the plaintiff's signature to such written authority unless specially required by the officer of the Court.

4. The plaintiff, if payment into Court is made before delivering a defence, may within four days after receipt of notice of such payment, or if such payment is first stated in a defence delivered then may before reply, accept the same in satisfaction of the causes of action in respect of which it is paid in; in which case he shall give notice to the defendant in the Form No. 6 in Appendix (B.) hereto, and shall be at liberty, in case the sum paid in is accepted in satisfaction of the entire cause of action, to tax his costs, and in case of non-payment within forty-eight hours, to sign judgment for his costs so taxed.

ORDER XXXI.

DISCOVERY AND INSPECTION.

1. The plaintiff may, at the time of delivering his statement of claim, or at any subsequent time not later than the close of the pleadings, and a defendant may, at the time of delivering his defence, or at any subsequent time not later than the close of the pleadings, without any order for that purpose, and either party may at any time, by leave of the Court or a Judge, deliver interrogatories in writing for the examination of the opposite party or parties, or any one or more of such parties, with a note at the foot thereof, stating which of such interrogatories each of such persons is required to answer: Provided that no party shall deliver more than one set of interrogatories to the same party without an order for that purpose.

2. The Court in adjusting the costs of the action shall at the instance of any party inquire or cause inquiry to be made into the propriety of exhibiting such interrogatories, and if it is the opinion of the taxing master or of the Court or Judge that such interrogatories have been exhibited unreasonably, vexatiously, or at improper length, the costs occasioned by the said interrogatories and the answers thereto shall be borne by the party in fault.

3. Interrogatories may be in the Form No. 7 in Appendix (B.) hereto, with such variations as circumstances may require.

4. If any party to an action be a body corporate or a joint stock company, whether incorporated or not, or any other body of persons, empowered by law to sue or be sued, whether in its own name or in the name of any officer or other person, any opposite party may apply at chambers for an order allowing him to deliver interrogatories to any member or officer of such corporation, company, or body, and an order may be made accordingly.

5. Any party called upon to answer interrogatories, whether by himself or by any member or officer, may, within four days after service of the interrogatories, apply at chambers to strike out any interrogatory, on the ground that it is scandalous or irrelevant, or is not put bonâ fide for the purposes of the action, or that the matter inquired after is not sufficiently material at that stage of the action, or on any other ground. And the Judge, if satisfied that any interrogatory is objectionable, may order it to be struck out.

6. Interrogatories shall be answered by affidavit to be filed within ten days, or within such other time as a Judge may allow.

7. An affidavit in answer to interrogatories shall, unless otherwise ordered by a Judge, if exceeding three folios, be printed and may be in the Form No. 8 in Appendix (B.) hereto, with such variations as circumstances may require.

8. Any objection to answering any interrogatory may be taken, and the ground thereof stated in the affidavit.

9. No exceptions shall be taken to any affidavit in answer, but the sufficiency or otherwise of any such affidavit objected to as insufficient shall be determined by the Court or a Judge on motion or summons.

10. If any person interrogated omits to answer, or answers insufficiently, the party interrogating may apply to the Court or a Judge for an order requiring him to answer, or to answer further, as the case may be. And an order may be made requiring him to answer or answer further either by affidavit or by vivâ voce examination, as the Judge may direct.

11. It shall be lawful for the Court or a Judge at any time during the pendency therein of any action or proceeding, to order the production by any party thereto, upon oath, of such of the documents in his possession or power, relating to any matter in question in such action or proceeding, as the Court or Judge shall think right; and the Court may deal with such documents, when produced, in such manner as shall appear just.

12. Any party may, without filing any affidavit, apply to a Judge for an order directing any other party to the action to make discovery on oath of the documents which are or have been in his possession or power, relating to any matter in question in the action.

13. The affidavit to be made by a party against whom such order as is mentioned in the last preceding Rule has been made, shall specify which, if any, of the documents therein mentioned, he objects to produce, and it may be in the Form No. 9 in Appendix (B.) hereto, with such variations as circumstances may require.

14. Every party to an action or other proceeding shall be entitled, at any time before or at the hearing thereof, by notice in writing, to give notice to any other party, in whose pleadings or affidavits reference is made to any document, to produce such document for the inspection of the party giving such notice, or of his solicitor, and to permit him or them to take copies thereof; and any party not complying with such notice shall not afterwards be at liberty to put any such document in evidence on his behalf in such action or proceeding, unless he shall satisfy the Court that such document relates only to his own title, he being a defendant to the action, or that he had some other sufficient cause for not complying with such notice.

15. Notice to any party to produce any documents referred to in his pleading or affidavits shall be in the Form No. 10 in Appendix (B.) hereto.

16. The party to whom such notice is given shall, within two days from the receipt of such notice, if all the documents therein referred to have been set forth by him in such affidavit as is mentioned in Rule 13, or if any of the documents referred to in such notice have not been set forth by him in any such affidavit, then within four days from the receipt of such notice, deliver to the party giving the same a notice stating a time within three days from the delivery thereof at which the documents, or such of them as he does not object to produce, may be inspected at the office of his solicitor, and stating which (if any) of the documents he objects to produce, and on what ground. Such notice may be in the Form No. 11 in Appendix (B.) hereto, with such variations as circumstances may require.

17. If the party served with notice under Rule 15 omits to give such notice of a time for inspection, or objects to give inspection, the party desiring it may apply to a Judge for an order for inspection.

18. Every application for an order for inspection of documents shall be to a Judge. And except in the case of documents referred to in

the pleadings or affidavits of the party against whom the application is made, or disclosed in his affidavit of documents, such application shall be founded upon an affidavit showing of what documents inspection is sought, that the party applying is entitled to inspect them, and that they are in the possession or power of the other party.

19. If the party from whom discovery of any kind or inspection is sought objects to the same, or any part thereof, the Court or a Judge may, if satisfied that the right to the discovery or inspection sought depends on the determination of any issue or question in dispute in the action, or that for any other reason it is desirable that any issue or question in dispute in the action should be determined before deciding upon the right to the discovery or inspection, order that such issue or question be determined first, and reserve the question as to the discovery or inspection.

20. If any party fails to comply with any order to answer interrogatories, or for discovery or inspection of documents, he shall be liable to attachment. He shall also, if a plaintiff, be liable to have his action dismissed for want of prosecution, and, if a defendant, to have his defence, if any, struck out, and to be placed in the same position as if he had not defended, and the party interrogating may apply to the Court or a Judge for an order to that effect, and an order may be made accordingly.

21. Service of an order for discovery or inspection made against any party on his solicitor shall be sufficient service to found an application for an attachment for disobedience to the order. But the party against whom the application for an attachment is made may show in answer to the application that he has had no notice or knowledge of the order.

22. A solicitor upon whom an order against any party for discovery or inspection is served under the last Rule, who neglects without reasonable excuse to give notice thereof to his client, shall be liable to attachment.

23. Any party may, at the trial of an action or issue, use in evidence any one or more of the answers of the opposite party to interrogatories without putting in the others: Provided always, that in such case the Judge may look at the whole of the answers, and if he shall be of opinion that any other of them are so connected with those put in that the last-mentioned answers ought not to be used without them, he may direct them to be put in.

ORDER XXXII.

ADMISSIONS.

1. Any party to an action may give notice, by his own statement or otherwise, that he admits the truth of the whole or any part of the case stated or referred to in the statement of claim, defence, or reply of any other party.

2. Either party may call upon the other party to admit any document, saving all just exceptions; and in case of refusal or neglect to admit, after such notice, the costs of proving any such document shall be paid by the party so neglecting or refusing, whatever the result of the action may be, unless at the hearing or trial the Court certify that the refusal to admit was reasonable; and no costs of proving any document shall be allowed unless such notice be given, except where the omission to give the notice is, in the opinion of the taxing officer, a saving of expense.

3. A notice to admit documents may be in the Form No. 12 in Appendix (B) hereto.

4. An affidavit of the solicitor or his clerk, of the due signature of any admissions made in pursuance of any notice to admit documents, and annexed to the affidavit, shall be sufficient evidence of such admissions.

ORDER XXXIII.

INQUIRIES AND ACCOUNTS.

The Court or a Judge may, at any stage of the proceedings in a cause or matter, direct any necessary inquiries or accounts to be made or taken, notwithstanding that it may appear that there is some special or further relief sought for or some special issue to be tried, as to which it may be proper that the cause or matter should proceed in the ordinary manner.

ORDER XXXIV.

QUESTIONS OF LAW.

1. The parties may, after the writ of summons has been issued, concur in stating the questions of law arising in the action in the form of a special case for the opinion of the Court. Every such special case shall be divided into paragraphs numbered consecutively, and shall concisely state such facts and documents as may be necessary to enable the Court to decide the questions raised thereby. Upon the argument of such case the Court and the parties shall be at liberty to refer to the whole contents of such documents, and the Court shall be at liberty to draw from the facts and documents stated in any such special case any inference, whether of fact or law, which might have been drawn therefrom if proved at a trial.

2. If it appear to the Court or a Judge, either from the statement of claim r defence or reply or otherwise, that there is in any action a question of law, which it would be convenient to have decided before any evidence is given or any question or issue of fact is tried, or before any reference is made to a Referee or an Arbitrator, the Court or Judge may make an order accordingly, and may direct such question of law to be raised for the opinion of the Court, either by special case or in such other manner as the Court or Judge may deem expedient, and all such further proceedings as the decision of such question of law may render unnecessary may thereupon be stayed.

3. Every special case shall be printed by the plaintiff, and signed by the several parties or their solicitors, and shall be filed by the plaintiff. Printed copies for the use of the Judges shall be delivered by the plaintiff.

4. No special case in an action to which a married woman, infant, or person of unsound mind is a party shall be set down for argument without leave of the Court or a Judge, the application for which must be supported by sufficient evidence that the statements contained in such special case, so far as the same affect the interest of such married woman, infant, or person of unsound mind, are true.

5. Either party may enter a special case for argument by delivering to the proper officer a memorandum of entry, in the Form No. 13 in Appendix (B.) hereto, and also if any married woman, infant, or person of unsound mind be a party to the action, producing a copy of the order giving leave to enter the same for argument.

ORDER XXXV.

PROCEEDINGS IN DISTRICT REGISTRIES.

1. Where an action proceeds in the district registry all proceedings, except where by these Rules it is otherwise provided, or the Court or a Judge shall otherwise order, shall be taken in the district registry, down to and including the entry for trial of the action or issues therein; or if the plaintiff is entitled to enter final judgment or to obtain an order for an account by reason of the default of the defendant, then down to and including such judgment or order; and such judgment or order as last aforesaid shall be entered in the district registry in the proper book, in the same manner as a like judgment or order in an action proceeding in London would be entered in London. Where the writ of summons is issued out of a district registry and the plaintiff is entitled to enter interlocutory judgment under Order XIII., Rule 6, or where the action proceeds in the district registry and the plaintiff is entitled to enter interlocutory judgment, under Order XXIX., Rule 4 or 5, in either case such interlocutory judgment, and, when damages shall have been assessed, final judgment shall be entered in the district registry, unless the Court or a Judge shall otherwise order.

Where an action proceeds in the district registry final judgment shall be entered in the district registry unless the Judge at the trial or the Court or a Judge shall otherwise order.

2. Subject to the foregoing Rules, where an action proceeds in the district registry the judgment and all such orders therein as require to be entered, except orders made by the district registrar under the authority and jurisdiction vested in him under these Rules, shall be entered in London, and an office copy of every judgment and order so entered shall be transmitted to the district registry to be filed with the proceedings in the action.

3. Where an action proceeds in the district registry all writs of execution for enforcing any judgment or order therein shall issue from the district registry, unless the Court or a Judge shall otherwise direct, Where final jugment is entered in the district registry costs shall be taxed in such registry unless the Court or a Judge shall otherwise order.

4. Where an action proceeds in a district registry the district registrar may exercise all such authority and jurisdiction in respect of the action as may be exercised by a Judge at chambers, except such as by these Rules a Master of the Queen's Bench, Common Pleas, or Exchequer Divisions is precluded from exercising.

5. Every application to a district registrar shall be made in the same manner in which applications at chambers are directed to be made by these Rules

6. If any matter appears to the district registrar proper for the decision of a Judge, the registrar may refer the same to a Judge, and the Judge may either dispose of the matter or refer the same back to the registrar with such directions as he may think fit.

7. Any person affected by any order or decision of a district registrar may appeal to a Judge. Such appeal may be made notwithstanding that the order or decision was in respect of a proceeding or matter as to which the district registrar had jurisdiction only by consent. Such appeal shall be by summons within four days after the decision complained of, or such further time as may be allowed by a Judge or the registrar.

8. An appeal from a district registrar shall be no stay of proceedings unless so ordered by a Judge or the registrar.

9. Every district registrar and other officer of a district registry shall be subject to the orders and directions of the Court or a Judge as fully as any other officer of the Court, and every proceeding in a district registry shall be subject to the control of the Court or a Judge, as fully as a like proceeding in London.

10. Every reference to a Judge by or appeal to a Judge from a district registrar in any action in the Chancery Division shall be to the Judge to whom the action is assigned.

11. In any action which would, under the foregoing Rules, proceed in the district registry, any defendant may remove the action from the district registry as of right in the cases, and within the times, following:

Where the writ is specially indorsed under Order III., Rule 6, and the plaintiff does not within four days after the appearance of such defendant give notice of an application for an order against him under Order XIV.; then such defendant may remove the action as of right at any time after the expiration of such four days, and before delivering a defence, and before the expiration of the time for doing so:

Where the writ is specially indorsed and the plaintiff has made such application as in the last paragraph mentioned, and the defendant has obtained leave to defend in manner provided by Order XIV.; then such defendant may remove the action as of right at any time after the order giving him leave to defend, and before delivering a defence and before the expiration of the time for doing so:

Where the writ is not specially indorsed any defendant may remove the action as of right at any time after appearance, and before delivering a defence, and before the expiration of the time for doing so.

12. Any defendant desirous to remove an action as of right under the last preceding Rule may do so by serving upon the other parties to the action, and delivering to the district registrar, a notice, signed by himself or his solicitor, to the effect that he desires the action to be removed to London, and the action shall be removed accordingly: Provided, that if the Court or a Judge shall be satisfied that the defendant giving such notice is a merely formal defendant, or has no substantial cause to interfere in the conduct of the action, such Court or Judge may order that the action may proceed in the district registry notwithstanding such notice.

13. In any case not provided for by the last two preceding Rules, any party to an action proceeding in a district registry may apply to the Court or a Judge, or to the district registrar, for an order to remove the action from the district registry to London, and such Court, Judge, or registrar, may make an order accordingly, if satisfied that there is sufficient reason for doing so, upon such terms, if any, as shall seem just. .

Any party to an action proceeding in London may apply to the Court or a Judge for an order to remove the action from London to any district registry, and such Court or Judge may make an order accordingly, if satisfied that there is sufficient reason for doing so, upon such terms, if any, as shall seem just.

14. Whenever any proceedings are removed from the district registry to London, the district registrar shall transmit to the proper officer

of the High Court of Justice all original documents (if any) filed in the district registry, and a copy of all entries in the books of the district registry of the proceedings in the action.

ORDER XXXVI.

TRIAL.

1. There shall be no local venue for the trial of any action, but when the plaintiff proposes to have the action tried elsewhere than in Middlesex, he shall in his statement of claim name the county or place in which he proposes that the action shall be tried, and the action shall, unless a Judge otherwise orders, be tried in the county or place so named. Where no place of trial is named in the statement of claim, the place of trial shall, unless a Judge otherwise orders, be the county of Middlesex. Any order of a Judge, as to such place of trial, may be discharged or varied by a Divisional Court of the High Court.

2. Actions shall be tried and heard either before a Judge or Judges, or before a Judge sitting with assessors, or before a Judge and Jury, or before an official or special Referee, with or without assessors.

3. Subject to the provisions of the following Rules, the plaintiff may, with his reply, or at any time after the close of the pleadings, give notice of trial of the action, and thereby specify one of the modes mentioned in Rule 2; and the defendant may, upon giving notice within four days from the time of the service of the notice of trial, or within such extended time as a Court or Judge may allow, to the effect that he desires to have the issues of fact tried before a Judge and Jury, be entitled to have the same so tried.

4. Subject to the provisions of the following Rules, if the plaintiff does not within six weeks after the close of the pleadings, or within such extended time as a Court or Judge may allow, give notice of trial, the defendant may, before notice of trial given by the plaintiff, give notice of trial, and thereby specify one of the modes mentioned in Rule 2; and in such case the plaintiff, on giving notice within the time fixed by Rule 3 that he desires to have the issues of fact tried before a Judge and Jury, be entitled to have the same so tried.

5. In any case in which neither the plaintiff nor defendant has given notice under the preceding Rules that he desires to have the issues of fact tried before a Judge and Jury, or in any case within the 57th section of the Act, if the plaintiff or defendant desires to have the action tried in any other mode than that specified in the notice of trial, he shall apply to the Court or a Judge for an order to that effect, within four days from the time of the service of the notice of trial, or within such extended time as a Court or Judge may allow.

6. Subject to the provisions of the preceding Rules, the Court or a Judge may, in any action at any time or from time to time, order that different questions of fact arising therein be tried by different modes of trial, or that one or more questions of fact be tried before the others, and may appoint the place or places for such trial or trials, and in all cases may order that one or more issues of fact be tried before any other or others.

7. Every trial of any question or issue of fact by a jury shall be held before a single Judge, unless such trial be specially ordered to be held before two or more Judges.

8. Notice of trial shall state whether it is for the trial of the action

or of issues therein; and in actions in the Queen's Bench, Common Pleas, and Exchequer Divisions, the place and day for which it is entered for trial. It may be in the Form No. 14 in Appendix (B.), with such variations as circumstances may require.

9. Ten days notice of trial shall be given, unless the party to whom it is given has consented to take short notice of trial; and shall be sufficient in all cases, unless otherwise ordered by the Court or a Judge. Short notice of trial shall be four days notice.

10. Notice of trial shall be given before entering the action for trial.

11. Notice of trial for London or Middlesex shall not be or operate as for any particular sittings; but shall be deemed to be for any day after the expiration of the notice on which the action may come on for trial in its order upon the list.

12. Notice of trial elsewhere than in London or Middlesex shall be deemed to be for the first day of the then next assizes at the place for which notice of trial is given.

13. No notice of trial shall be countermanded, except by consent, or by leave of the Court or a Judge, which leave may be given subject to such terms as to costs, or otherwise as may be just.

14. If the party giving notice of trial for London or Middlesex omits to enter the action for trial on the day or day after giving notice of trial, the party to whom notice has been given may, unless the notice has been countermanded under the last Rule, within four days enter the action for trial.

15. If notice of trial is given for elsewhere than in London or Middlesex, either party may enter the action for trial. If both parties enter the action for trial, it shall be tried in the order of the plaintiff's entry.

16. The list or lists of actions for trial at the sittings in London and Middlesex respectively shall be prepared and the actions shall be allotted for trial without reference to the Division of the High Court to which such actions may be attached.

17. The party entering the action for trial shall deliver to the officer a copy of the whole of the pleadings in the action, for the use of the Judge at the trial. Such copy shall be in print, except as to such parts, if any, of the pleadings as are by these Rules permitted to be written.

18. If, when an action is called on for trial, the plaintiff appears, and the defendant does not appear, then the plaintiff may prove his claim, so far as the burden of proof lies upon him.

19. If, when an action is called on for trial, the defendant appears, and the plaintiff does not appear, the defendant, if he has no counter-claim, shall be entitled to judgment dismissing the action, but if he has a counter-claim, then he may prove such claim so far as the burden of proof lies upon him.

20. Any verdict or judgment obtained where one party does not appear at the trial, may be set aside by the Court or a Judge upon such terms as may seem fit, upon an application made within six days after the trial; such application may be made either at the assizes or in Middlesex.

21. The Judge may, if he think it expedient for the interests of justice, postpone or adjourn the trial for such time, and upon such terms, if any, as he shall think fit.

22. Upon the trial of an action, the Judge may, at or after such trial, direct that judgment be entered for any or either party, as he

is by law entitled to upon the findings, and either with or without leave to any party to move to set aside or vary the same, or to enter any other judgment, upon such terms, if any, as he shall think fit to impose; or he may direct judgment not to be entered then, and leave any party to move for judgment. No judgment shall be entered after a trial without the order of a Court or Judge.

23. Upon every trial at the assizes, or at the London and Middlesex sitting of the Queen's Bench, Common Pleas, or Exchequer Division, where the officer present at the trial is not the officer by whom judgments ought to be entered, the associate shall enter all such findings of fact as the Judge may direct to be entered, and the directions, if any, of the Judge as to judgment, and the certificates, if any, granted by the Judge, in a book to be kept for the purpose.

24. If the Judge shall direct that any judgment be entered for any party absolutely, the certificate of the associate to that effect shall be a sufficient authority to the proper officer to enter judgment accordingly. The certificate may be in the Form No. 15 in Appendix (B.) hereto.

25. If the Judge shall direct that any judgment be entered for any party subject to leave to move, judgment shall be entered accordingly upon the production of the associate's certificate.

26. The Court or a Judge may, if it shall appear desirable, direct a trial without a jury of any question or issue of fact, or partly of fact and partly of law, arising in any cause or matter which previously to the passing of the Act could, without any consent of parties, be tried without a jury.

27. The Court or a Judge may, if it shall appear either before or at the trial that any issue of fact can be more conveniently tried before a jury, direct that such issue shall be tried by a Judge with a jury.

28. Trials with assessors shall take place in such manner and upon such terms as the Court or a Judge shall direct.

29. In any cause the Court or a Judge of the division to which the cause is assigned may, at any time or from time to time, order the trial and determination of any question or issue of fact, or partly of fact and partly of law, by any commissioner or commissioners appointed in pursuance of the 29th section of the said Act, or at the sittings to be held in Middlesex or London, and such question or issue shall be tried and determined accordingly.

30. Where any cause or matter, or any question in any cause or matter, is referred to a Referee, he may, subject to the order of the Court or a Judge, hold the trial at or adjourn it to any place which he may deem most convenient, and have any inspection or view, either by himself or with his assessors (if any), which he may deem expedient for the better disposal of the controversy before him. He shall, unless otherwise directed by the Court or a Judge, proceed with the trial de die in diem, in a similar manner as in actions tried by a jury.

31. Subject to any order to be made by the Court or Judge ordering the same, evidence shall be taken at any trial before a Referee, and the attendance of witnesses may be enforced by subpœna, and every such trial shall be conducted in the same manner, as nearly as circumstances will admit, as trials before a Judge of the High Court, but not so as to make the tribunal of the Referee a public court of justice.

32. Subject to any such order as last aforesaid, the Referee shall have the same authority in the conduct of any reference or trial as a Judge of the High Court when presiding at any trial before him.

33. Nothing in these Rules contained shall authorise any Referee to commit any person to prison or to enforce any order by attachment or otherwise.

34. The Referee may, before the conclusion of any trial before him, or by his report under the reference made to him, submit any question arising therein for the decision of the Court, or state any facts specially, with power to the Court to draw inferences therefrom, and in any such case the order to be made on such submission or statement shall be entered as the Court may direct; and the Court shall have power to require any explanation or reasons from the Referee, and to remit the cause or matter, or any part thereof, for re-trial or further consideration to the same or any other Referee.

ORDER XXXVII.

EVIDENCE GENERALLY.

1. In the absence of any agreement between the parties, and subject to these Rules, the witnesses at the trial of any action or at any assessment of damages, shall be examined vivâ voce and in open court, but the Court or a Judge may at any time for sufficient reason order that any particular fact or facts may be proved by affidavit, or that the affidavit of any witness may be read at the hearing or trial, on such conditions as the Court or Judge may think reasonable, or that any witness whose attendance in court ought for some sufficient cause to be dispensed with, be examined by interrogatories or otherwise before a commissioner or examiner; provided that where it appears to the Court or Judge that the other party bonâ fide desires the production of a witness for cross-examination, and that such witness can be produced, an order shall not be made authorising the evidence of such witness to be given by affidavit.

2. Upon any motion, petition, or summons evidence may be given by affidavit; but the Court or a Judge may, on the application of either party, order the attendance for cross-examination of the person making any such affidavit.

3. Affidavits shall be confined to such facts as the witness is able of his own knowledge to prove, except on interlocutory motions, on which statements as to his belief, with the grounds thereof, may be admitted. The costs of every affidavit which shall unnecessarily set forth matters of hearsay, or argumentative matter, or copies of or extracts from documents, shall be paid by the party filing the same.

4. The Court or a Judge may, in cause or matter where it shall appear necessary for the purposes of justice, make any order for the examination upon oath before any officer of the court, or any other person or persons, and at any place, of any witness or person, and may order any deposition so taken to be filed in the court, and may empower any party to any such cause or matter to give such deposition in evidence therein on such terms, if any, as the Court or a Judge may direct.

ORDER XXXVIII.

EVIDENCE BY AFFIDAVIT.

1. Within fourteen days after a consent for taking evidence by affidavit as between the plaintiff and the defendant has been given, or within such time as the parties may agree upon, or a Judge in Chambers may allow, the plaintiff shall file his affidavits and deliver to the defendant or his solicitor a list thereof.

2. The defendant within fourteen days after delivery of such list, or within such time as the parties may agree upon, or a Judge in Chambers may allow, shall file his affidavits and deliver to the plaintiff or his solicitor a list thereof.

3. Within seven days after the expiration of the said fourteen days, or such other time as aforesaid, the plaintiff shall file his affidavits in reply, which affidavits shall be confined to matters strictly in reply, and shall deliver to the defendant or his solicitor a list thereof.

4. When the evidence is taken by affidavit, any party desiring to cross-examine a deponent who has made an affidavit filed on behalf of the opposite party, may serve upon the party by whom such affidavit has been filed, a notice in writing, requiring the production of the deponent for cross-examination before the Court at the trial, such notice to be served at any time before the expiration of fourteen days next after the end of the time allowed for filing affidavits in reply, or within such time as in any case the Court or a Judge may specially appoint; and unless such deponent is produced accordingly, his affidavit shall not be used as evidence unless by the special leave of the Court. The party producing such deponent for cross-examination shall not be entitled to demand the expenses thereof in the first instance from the party requiring such production.

5. The party to whom such notice as is mentioned in the last preceding Rule is given, shall be entitled to compel the attendance of the deponent for cross-examination in the same way as he might compel the attendance of a witness to be examined.

6. When the evidence in any action is under this order taken by affidavit, such evidence shall be printed, and the notice of trial shall be given at the same time or times after the close of the evidence as in other cases is by these Rules provided after the close of the pleadings.

ORDER XXXIX.

MOTION FOR NEW TRIAL.

1. A party desirous of obtaining a new trial of any cause tried in the Queen's Bench, Common Pleas, or Exchequer Divisions on which a verdict has been found by a jury, or by a Judge without a jury, must apply for the same to a Divisional Court by motion for an order calling upon the opposite party to show cause at the expiration of eight days from the date of the order, or so soon after as the case can be heard, why a new trial should not be directed. Such motion shall be made within four days after the trial, if the Divisional Court is then sitting, or within the first four days after the commencement of the sitting of the Divisional Court next after the trial, or within such extended time as the Court or a Judge may allow.

2. A copy of such order shall be served on the opposite party within four days from the time of the same being made.

3. A new trial shall not be granted on the ground of misdirection or of the improper admission or rejection of evidence, unless in the opinion of the Court to which the application is made some substantial wrong or miscarriage has been thereby occasioned in the trial of the action; and if it appear to such Court that such wrong or miscarriage affects part only of the matter in controversy, the Court may give final judgment as to part thereof, and direct a new trial as to the other part only.

4. A new trial may be ordered on any question in an action,

whatever be the grounds for the new trial, without interfering with the finding or decision upon any other question.

5. An order to show cause shall be a stay of proceedings in the action, unless the Court shall order that it shall not be so as to the whole or any part of the action.

ORDER XL.

MOTION FOR JUDGMENT.

1. Except where by the Act or by these Rules it is provided that judgment may be obtained in any other manner, the judgment of the Court shall be obtained by motion for judgment.

2. Where at the trial of an action the Judge or a Referee has ordered that any judgment be entered subject to leave to move, the party to whom leave has been reserved shall set down the action on motion for judgment, and give notice thereof to the other parties within the time limited by the Judge in reserving leave, or if no time has been limited, within ten days after the trial. The notice of motion shall state the grounds of the motion, and the relief sought, and that the motion is pursuant to leave reserved.

3. Where at the trial of an action the Judge or Referee abstains from directing any judgment to be entered, the plaintiff may set down the action on motion for judgment. If he does not so set it down and give notice thereof to the other parties within ten days after the trial, any defendant may set down the action on motion for judgment, and give notice thereof to the other parties.

4. Where at the trial of an action before a jury the Judge has directed that any judgment be entered, any party may, without any leave reserved, move to set aside such judgment, and enter any other judgment, on the ground that the judgment directed to be entered is wrong by reason of the Judge having caused the finding to be entered wrongly, with reference to the finding of the jury upon the question or questions submitted to them.

5. Where at the trial of an action the Judge or a Referee has directed that any judgment be entered, any party may, without any leave reserved, move to set aside such judgment, and to enter any other judgment, on the ground that upon the finding as entered the judgment so directed is wrong.

6. On every motion made under either of the last two preceding Rules, the order shall be an order to show cause and shall be returnable in eight days. The motion shall be made within four days after the trial if the Divisional Court is then sitting, or within the first four days after the commencement of the sitting of the Divisional Court next after the trial, or within such extended time as a Court or Judge may allow.

7. Where issues have been ordered to be tried, or issues or questions of fact to be determined in any manner, the plaintiff may set down the action on motion for judgment as soon as such issues or questions have been determined. If he does not so set it down, and give notice thereof to the other parties within ten days after his right so to do has arisen, then after the expiration of such ten days any defendant may set down the action on motion for judgment, and give notice thereof to the other parties.

8. Where issues have been ordered to be tried, or issues or questions of fact to be determined in any manner, and some only of such issues or questions of fact have been tried or determined, any party who

considers that the result of such trial or determination renders the trial or determination of the others of them unnecessary, or renders it desirable that the trial or determination thereof should be postponed, may apply to the Court or a Judge for leave to set down the action on motion for judgment, without waiting for such trial or determination. And the Court or Judge may, if satisfied of the expediency thereof, give such leave, upon such terms, if any, as shall appear just, and may give any directions which may appear desirable as to postponing the trial of the other questions of fact.

9. No action shall, except by leave of the Court or a Judge, be set down on motion for judgment after the expiration of one year from the time when the party seeking to set down the same first became entitled so to do.

10. Upon a motion for judgment, or for a new trial, the Court may, if satisfied that it has before it all the materials necessary for finally determining the questions in dispute, or any of them, or for awarding any relief sought, give judgment accordingly, or may, if it shall be of opinion that it has not sufficient materials before it to enable it to give judgment, direct the motion to stand over for further consideration, and direct such issues or questions to be tried or determined, and such accounts and inquiries to be taken and made as it may think fit.

11. Any party to an action may at any stage thereof apply to the Court or a Judge for such order as he may, upon any admissions of fact in the pleadings, be entitled to, without waiting for the determination of any other question between the parties. The foregoing Rules of this Order shall not apply to such applications, but any such application may be made by motion, so soon as the right of the party applying to the relief claimed has appeared from the pleadings. The Court or a Judge may, on any such application, give such relief, subject to such terms, if any, as such Court or Judge may think fit.

ORDER XLI.

Entry of Judgment.

1. Every judgment shall be entered by the proper officer in the book to be kept for the purpose. The party entering the judgment shall deliver to the officer a copy of the whole of the pleadings in the action other than any petition or summons; such copy shall be in print, except such parts (if any) of the pleadings as are by these Rules permitted to be written: Provided that no copy need be delivered of any pleading a copy of which has been delivered on entering any previous judgment in such action. The forms in Appendix (D.) hereto may be used, with such variations as circumstances may require.

2. Where any judgment is pronounced by the Court or a Judge in Court, the entry of the judgment shall be dated as of the day on which such judgment is pronounced, and the judgment shall take effect from that date.

3. In all cases not within the last preceding Rule, the entry of judgment shall be dated as of the day on which the requisite documents are left with the proper officer for the purpose of such entry, and the judgment shall take effect from that date.

4. Where under the Act or these Rules, or otherwise, it is provided that any judgment may be entered or signed upon the filing of any affidavit or production of any document, the officer shall

examine the affidavit or document produced, and if the same be regular and contain all that is by law required he shall enter judgment accordingly.

5. Where by the Act or these Rules, or otherwise, any judgment may be entered pursuant to any order or certificate, or return to any writ, the production of such order or certificate sealed with the seal of the Court, or of such return, shall be a sufficient authority to the officer to enter judgment accordingly.

6. Any judgment of nonsuit, unless the Court or a Judge otherwise directs, shall have the same effect as a judgment upon the merits for the defendant; but in any case of mistake, surprise, or accident, any judgment of nonsuit may be set aside on such terms, as to payment of costs and otherwise, as to the Court or a Judge shall seem just.

ORDER XLII.

EXECUTION.

1. A judgment for the recovery by or payment to any person of money may be enforced by any of the modes by which a judgment or decree for the payment of money of any Court whose jurisdiction is transferred by the said Act might have been enforced at the time of the passing thereof.

2. A judgment for the payment of money into Court may be enforced by writ of sequestration, or in cases in which attachment is authorised by law, by attachment.

3. A judgment for the recovery or for the delivery of the possession of land may be enforced by writ of possession.

4. A judgment for the recovery of any property other than land or money may be enforced:

By writ for delivery of the property:
By writ of attachment:
By writ of sequestration.

5. A judgment requiring any person to do any act other than the payment of money, or to abstain from doing anything, may be enforced by writ of attachment, or by committal.

6. In these Rules the term "writ of execution" shall include writs of fieri facias, capias, elegit, sequestration, and attachment, and all subsequent writs that may issue for giving effect thereto. And the term "issuing execution against any party" shall mean the issuing of any such process against his person or property as under the preceding Rules of this Order shall be applicable to the case.

7. Where a judgment is to the effect that any party is entitled to any relief subject to or upon the fulfilment of any condition or contingency, the party so entitled may, upon the fulfilment of the condition or contingency, and demand made upon the party against whom he is entitled to relief, apply to the Court or a Judge for leave to issue execution against such party. And the Court or Judge may, if satisfied that the right to relief has arisen according to the terms of the judgment, order that execution issue accordingly, or may direct that any issue or question necessary for the determination of the rights of the parties be tried in any of the ways in which questions arising in an action may be tried.

8. Where a judgment is against partners in the name of the firm, execution may issue in manner following:

(*a.*) Against any property of the partners as such:

(*b.*) Against any person who has admitted on the pleadings that he is, or has been adjudged to be a partner:

(*c.*) Against any person who has been served, as a partner, with the writ of summons, and has failed to appear.

If the party who has obtained judgment claims to be entitled to issue execution against any other person as being a member of the firm, he may apply to the Court or a Judge for leave so to do; and the Court or Judge may give such leave if the liability be not disputed, or if such liability be disputed may order that the liability of such person be tried and determined in any manner in which any issue or question in an action may be tried and determined.

9. No writ of execution shall be issued without the production to the officer by whom the same should be issued, of the judgment upon which the writ of execution is to issue, or an office copy thereof, showing the date of entry. And the officer shall be satisfied that the proper time has elapsed to entitle the judgment creditor to execution.

10. No writ of execution shall be issued without the party issuing it, or his solicitor, filing a præcipe for that purpose. The præcipe shall contain the title of the action, the reference to the record, the date of the judgment, and of the order, if any, directing the execution to be issued, the names of the parties against whom, or of the firms against whose goods, the execution is to be issued; and shall be signed by the solicitor of the party issuing it, or by the party issuing it, if he do so in person. The forms in Appendix (E.) hereto may be used, with such variations as circumstances may require.

11. Every writ of execution shall be indorsed with the name and place of abode or office of business of the solicitor actually suing out the same, and when the solicitor actually suing out the writ shall sue out the same as agent for another solicitor, the name and place of abode of such other solicitor shall also be indorsed upon the writ; and in case no solicitor shall be employed to issue the writ, then it shall be indorsed with a memorandum expressing that the same has been sued out by the plaintiff or defendant in person, as the case may be, mentioning the city, town, or parish, and also the name of the hamlet, street, and number of the house of such plaintiff's or defendant's residence, if any such there be.

12. Every writ of execution shall bear date of the day on which it is issued. The forms in Appendix (F.) hereto may be used, with such variations as circumstances may require.

13. In every case of execution the party entitled to execution may levy the poundage, fees, and expenses of execution, over and above the sum recovered.

14. Every writ of execution for the recovery of money shall be indorsed with a direction to the sheriff, or other officer or person to whom the writ is directed, to levy the money really due and payable and sought to be recovered under the judgment, stating the amount, and also to levy interest thereon, if sought to be recovered, at the rate of 4*l.* per cent. per annum from the time when the judgment was entered up, provided that in cases where there is an agreement between the parties that more than 4*l.* per cent. interest shall be secured by the judgment, then the indorsement may be accordingly to levy the amount of interest so agreed.

15. Every person to whom any sum of money or any costs shall be payable under a judgment, shall immediately after the time when the judgment was duly entered, be entitled to sue out one or more

writ or writs of fieri facias or one or more writ or writs of elegit to enforce payment thereof, subject nevertheless as follows:

(*a.*) If the judgment is for payment within a period therein mentioned, no such writ as aforesaid shall be issued until after the expiration of such period.

(*b.*) The Court or Judge at the time of giving judgment, or the Court or a Judge afterwards, may give leave to issue execution before, or may stay execution until any time after the expiration of the periods herein-before prescribed.

16. A writ of execution if unexecuted shall remain in force for one year only from its issue, unless renewed in the manner hereinafter provided; but such writ may, at any time before its expiration, by leave of the Court or a Judge, be renewed, by the party issuing it, for one year from the date of such renewal, and so on from time to time during the continuance of the renewed writ, either by being marked with a seal of the Court bearing the date of the day, month, and year of such renewal, or by such party giving a written notice of renewal to the sheriff, signed by the party or his attorney, and bearing the like seal of the Court; and a writ of execution so renewed shall have effect, and be entitled to priority, according to the time of the original delivery thereof.

17. The production of a writ of execution, or of the notice renewing the same, purporting to be marked with such seal as in the last preceding Rule mentioned, showing the same to have been renewed, shall be sufficient evidence of its having been so renewed.

18. As between the original parties to a judgment, execution may issue at any time within six years from the recovery of the judgment.

19. Where six years have elapsed since the judgment, or any change has taken place by death or otherwise in the parties entitled or liable to execution, the party alleging himself to be entitled to execution may apply to the Court or a Judge for leave to issue execution accordingly. And such Court or Judge may, if satisfied that the party so applying is entitled to issue execution, make an order to that effect, or may order that any issue or question necessary to determine the rights of the parties, shall be tried in any of the ways in which any question in an action may be tried. And in either case such Court or Judge may impose such terms as to costs or otherwise, as shall seem just.

20. Every order of the Court or a Judge, whether in an action, cause, or matter, may be enforced in the same manner as a judgment to the same effect.

21. In cases other than those mentioned in Rule 18 any person not being a party in an action, who obtains any order or in whose favour any order is made, shall be entitled to enforce obedience to such order by the same process as if he were a party to the action; and any person not being a party in an action, against whom obedience to any judgment or order may be enforced, shall be liable to the same process for enforcing obedience to such judgment or order as if he were a party to the action.

22. No proceeding by audita querela shall hereafter be used; but any party against whom judgment has been given may apply to the Court or a Judge for a stay of execution or other relief against such judgment, upon the ground of facts which have arisen too late to be pleaded; and the Court or Judge may give such relief and upon such terms as may be just.

23. Nothing in any of the Rules of this Order shall take away or curtail any right heretofore existing to enforce or give effect to any judgment or order in any manner or against any person or property whatsoever.

24. Nothing in this Order shall affect the order in which writs of execution may be issued.

ORDER XLIII.

WRITS OF FIERI FACIAS AND ELEGIT.

1. Writs of fieri facias and of elegit shall have the same force and effect as the like writs have heretofore had, and shall be executed in the same manner in which the like writs have heretofore been executed.

2. Writs of venditioni exponas, distringas nuper vice comitem, fieri facias de bonis ecclesiasticis, sequestrari facias de bonis ecclesiasticis, and all other writs in aid of a writ of fieri facias or of elegit, may be issued and executed in the same cases and in the same manner as heretofore.

ORDER XLIV.

ATTACHMENT.

1. A writ of attachment shall have the same effect as a writ of attachment issued out of the Court of Chancery has heretofore had.

2. No writ of attachment shall be issued without the leave of the Court or a Judge, to be applied for on notice to the party against whom the attachment is to be issued.

ORDER XLV.

ATTACHMENT OF DEBTS.

1. Where a judgment is for the recovery by or payment to any person of money, the party entitled to enforce it may apply to the Court or a Judge for an order that the judgment debtor be orally examined as to whether any and what debts are owing to him, before an officer of the Court, or such other person as the Court or Judge shall appoint; and the Court or Judge may make an order for the examination of such judgment debtor, and for the production of any books or documents.

2. The Court or a Judge may, upon the ex parte application of such judgment creditor, either before or after such oral examination, and upon affidavit by himself or his solicitor stating that judgment has been recovered, and that it is still unsatisfied, and to what amount, and that any other person is indebted to the judgment debtor and is within the jurisdiction, order that all debts owing or accruing from such third person (herein-after called the garnishee) to the judgment debtor shall be attached to answer the judgment debt; and by the same or any subsequent order it may be ordered that the garnishee shall appear before the Court or a Judge or an officer of the Court, as such Court or Judge shall appoint, to show cause why he should not pay the judgment creditor the debt due from him to the judgment debtor, or so much thereof as may be sufficient to satisfy the judgment debt.

3. Service of an order that debts due or accruing to the judgment debtor shall be attached, or notice thereof to the garnishee, in such manner as the Court or Judge shall direct, shall bind such debts in his hands.

4. If the garnishee does not forthwith pay into Court the amount due from him to the judgment debtor, or an amount equal to the judgment debt, and does not dispute the debt due or claimed to be due from him to the judgment debtor, or if he does not appear upon summons, then the Court or Judge may order execution to issue, and it may issue accordingly, without any previous writ or process, to levy the amount due from such garnishee, or so much thereof as may be sufficient to satisfy the judgment debt.

5. If the garnishee disputes his liability, the Court or Judge, instead of making an order that execution shall issue, may order that any issue or question necessary for determining his liability be tried or determined in any manner in which any issue or question in an action may be tried or determined.

6. Whenever in proceedings to obtain an attachment of debts it is suggested by the garnishee that the debt sought to be attached belongs to some third person, or that any third person has a lien or charge upon it, the Court or Judge may order such third person to appear, and state the nature and particulars of his claim upon such debt.

7. After hearing the allegations of such third person under such order, and of any other person whom by the same or any subsequent order the Court or Judge may order to appear, or in case of such third person not appearing when ordered, the Court or Judge may order execution to issue to levy the amount due from such garnishee, or any issue or question to be tried or determined according to the preceding Rules of this Order, and may bar the claim of such third person, or make such other order as such Court or Judge shall think fit, upon such terms, in all cases, with respect to the lien or charge (if any) of such third person, and to costs, as the Court or Judge shall think just and reasonable.

8. Payment made by or execution levied upon the garnishee under any such proceeding as aforesaid shall be a valid discharge to him as against the judgment debtor, to the amount paid or levied, although such proceeding may be set aside, or the judgment reversed.

9. There shall be kept by the proper officer a debt attachment book, and in such book entries shall be made of the attachment and proceedings thereon, with names, dates, and statements of the amount recovered, and otherwise; and copies of any entries made therein may be taken by any person upon application to the proper officer.

10. The costs of any application for an attachment of debts and of any proceedings arising from or incidental to such application, shall be in the discretion of the Court or a Judge.

ORDER XLVI.

CHARGING OF STOCK OR SHARES AND DISTRINGAS.

1. An order charging stock or shares may be made by any Divisional Court or by any Judge, and the proceedings for obtaining such order shall be such as are directed, and the effect shall be such as is provided by 1 & 2 Vict. c. 110. ss. 14 and 15., and 3 & 4 Vict. c. 82. s. 1.

2. Any person claiming to be interested in any stock transferable at the Bank of England standing in the name of any other person may sue out a writ of distringas pursuant to the statute 5 Vict. c. 8., as heretofore. Such writ to be issued out of any office of the High Court in London, where writs of summons are issued.

ORDER XLVII.

WRIT OF SEQUESTRATION.

Where any person is by any judgment directed to pay money into Court or to do any other act in a limited time, and after due service of such judgment refuses or neglects to obey the same according to the exigency thereof, the person prosecuting such judgment shall at the expiration of the time limited for the performance thereof, be entitled, without obtaining any order for that purpose, to issue a writ of sequestration against the estate and effects of such disobedient person. Such writ of sequestration shall have the same effect as a writ of sequestration in Chancery has heretofore had, and the proceeds of such sequestration may be dealt with in the same manner as the proceeds of writs of sequestration have heretofore been dealt with by the Court of Chancery.

ORDER XLVIII.

WRIT OF POSSESSION.

1. A judgment that a party do recover possession of any land may be enforced by writ of possession in manner heretofore used in actions of ejectment in the Superior Courts of Common Law.

2. Where by any judgment any person therein named is directed to deliver up possession of any lands to some other person, the person prosecuting such judgment shall, without any order for that purpose, be entitled to sue out a writ of possession on filing an affidavit showing due service of such judgment and that the same has not been obeyed.

ORDER XLIX.

WRIT OF DELIVERY.

A writ for delivery of any property other than land or money may be issued and enforced in the manner heretofore in use in actions of detinue in the Superior Courts of Common Law.

ORDER L.

CHANGE OF PARTIES BY DEATH, &C.

1. An action shall not become abated by reason of the marriage, death, or bankruptcy of any of the parties, if the cause of action survive or continue, and shall not become defective by the assignment, creation, or devolution of any estate or title pendente lite.

2. In case of the marriage, death, or bankruptcy, or devolution of estate by operation of law, of any party to an action, the Court or a Judge may, if it be deemed necessary for the complete settlement of all the questions involved in the action, order that the husband, personal representative, trustee, or other successor in interest, if any, of such party be made a party to the action, or be served with notice thereof in such manner and form as herein-after prescribed, and on such terms as the Court or Judge shall think just, and shall make such order for the disposal of the action as may be just.

3. In case of an assignment, creation, or devolution of any estate or title pendente lite, the action may be continued by or against the person to or upon whom such estate or title has come or devolved.

4. Where by reason of marriage, death, or bankruptcy, or any

other event occurring after the commencement of an action, and causing a change or transmission of interest or liability, or by reason of any person interested coming into existence after the commencement of the action, it becomes necessary or desirable that any person not already a party to the action should be made a party thereto, or that any person already a party thereto should be made a party thereto in another capacity, an order that the proceedings in the action shall be carried on between the continuing parties to the action, and such new party or parties, may be obtained ex parte on application to the Court or a Judge, upon an allegation of such change, or transmission of interest or liability, or of such person interested having come into existence.

5. An order so obtained shall, unless the Court or Judge shall otherwise direct, be served upon the continuing party or parties to the action, or their solicitors, and also upon each such new party, unless the person making the application be himself the only new party, and the order shall from the time of such service, subject nevertheless to the next two following Rules, be binding on the persons served therewith, and every person served therewith who is not already a party to the action shall be bound to enter an appearance thereto within the same time and in the same manner as if he had been served with a writ of summons.

6. Where any person who is under no disability or under no disability other than coverture, or being under any disability other than coverture, but having a guardian ad litem in the action, shall be served with such order, such person may apply to the Court or a Judge to discharge or vary such order at any time within twelve days from the service thereof.

7. Where any person being under any disability other than coverture, and not having had a guardian ad litem appointed in the action, is served with any such order, such person may apply to the Court or a Judge to discharge or vary such order at any time within twelve days from the appointment of a guardian or guardians ad litem for such party, and until such period of twelve days shall have expired such order shall have no force or effect as against such last-mentioned person.

ORDER LI.

TRANSFERS AND CONSOLIDATION.

1. Any action or actions may be transferred from one division to another of the High Court or from one Judge to another of the Chancery Division by an order of the Lord Chancellor, provided that no transfer shall be made from or to any division without the consent of the President of the Division.

2. Any action may, at any stage, be transferred from one division to another by an order made by the Court or any Judge of the Division to which the action is assigned: Provided that no such transfer shall be made without the consent of the President of the Division to which the action is proposed to be transferred.

3. Any action transferred to the Chancery Division or the Probate Division, shall, by the order directing the transfer, be directed to be assigned to one of the Judges of such Division to be named in the order.

4. Actions in any division or divisions may be consolidated by order of the Court or a Judge in the manner heretofore in use in the Superior Courts of Common Law.

ORDER LII.

INTERLOCUTORY ORDERS AS TO MANDAMUS INJUNCTIONS OR INTERIM PRESERVATION OF PROPERTY, &C.

1. When by any contract a primâ facie case of liability is established, and there is alleged as matter of defence a right to be relieved wholly or partially from such liability, the Court or a Judge may make an order for the preservation or interim custody of the subject-matter of the litigation, or may order that the amount in dispute be brought into Court or otherwise secured.

2. It shall be lawful for the Court or a Judge, on the application of any party to any action, to make any order for the sale, by any person or persons named in such order, and in such manner, and on such terms as to the Court or Judge may seem desirable, of any goods, wares, or merchandise which may be of a perishable nature or likely to injure from keeping, or which for any other just and sufficient reason it may be desirable to have sold at once.

3. It shall be lawful for the Court or a Judge, upon the application of any party to an action, and upon such terms as may seem just, to make any order for the detention, preservation, or inspection of any property, being the subject of such action, and for all or any of the purposes aforesaid to authorise any person or persons to enter upon or into any land or building in the possession of any party to such action, and for all or any of the purposes aforesaid to authorise any samples to be taken, or any observation to be made or experiment to be tried, which may seem necessary or expedient for the purpose of obtaining full information or evidence.

4. An application for an order under section 25, sub-section 8, of the Act, or under Rules 2 or 3 of this Order, may be made to the Court or a Judge by any party. If the application be by the plaintiff for an order under the said sub-section 8 it may be made either ex parte or with notice, and if for an order under the said Rules 2 or 3 of this Order it may be made after notice to the defendant at any time after the issue of the writ of summons, and if it be by any other party, then on notice to the plaintiff, and at any time after appearance by the party making the application.

5. An application for an order under Rule 1 may be made by the plaintiff at any time after his right thereto appears from the pleadings; or, if there be no pleadings, is made to appear by affidavit or otherwise to the satisfaction of the Court or a Judge.

6. Where an action is brought to recover, or a defendant in his statement of defence seeks by way of counter-claim to recover specific property other than land, and the party from whom such recovery is sought does not dispute the title of the party seeking to recover the same, but claims to retain the property by virtue of a lien or otherwise as security for any sum of money, the Court or a Judge may, at any time after such last-mentioned claim appears from the pleadings, or, if there be no pleadings, by affidavit or otherwise to the satisfaction of such Court or Judge, order that the party claiming to recover the property be at liberty to pay into Court, to abide the event of the action, the amount of money in respect of which the lien or security is claimed, and such further sum (if any) for interest and costs as such Court or Judge may direct, and that upon such payment into Court being made, the property claimed be given up to the party claiming it.

ORDER LIII.

MOTIONS AND OTHER APPLICATIONS.

1. Where by these Rules any application is authorised to be made to the Court or a Judge in an action, such application, if made to a Divisional Court or to a Judge in Court, shall be made by motion.

2. No rule or order to show cause shall be granted in any action, except in the cases in which an application for such rule or order is expressly authorised by these Rules.

3. Except where by the practice existing at the time of the passing of the said Act any order or rule has heretofore been made ex parte absolute in the first instance, and except where by these Rules it is otherwise provided, and except where the motion is for a rule to show cause only, no motion shall be made without previous notice to the parties affected thereby. But the Court or Judge, if satisfied that the delay caused by proceeding in the ordinary way would or might entail irreparable or serious mischief, may make any order ex parte upon such terms as to costs or otherwise, and subject to such undertaking, if any, as the Court or Judge may think just; and any party affected by such order may move to set it aside.

4. Unless the Court or Judge give special leave to the contrary there must be at least two clear days between the service of a notice of motion and the day named in the notice for hearing the motion.

5. If on the hearing of a motion or other application the Court or Judge shall be of opinion that any person to whom notice has not been given ought to have or to have had such notice, the Court or Judge may either dismiss the motion or application, or adjourn the hearing thereof, in order that such notice may be given, upon such terms, if any, as the Court or Judge may think fit to impose.

6. The hearing of any motion or application may from time to time be adjourned upon such terms, if any, as the Court or Judge shall think fit.

7. The plaintiff shall, without any special leave, be at liberty to serve any notice of motion or other notice, or any petition or summons upon any defendant, who, having been duly served with a writ of summons to appear in the action, has not appeared within the time limited for that purpose.

8. The plaintiff may, by leave of the Court or a Judge to be obtained ex parte, serve any notice of motion upon any defendant along with the writ of summons, or at any time after service of the writ of summons and before the time limited for the appearance of such defendant.

ORDER LIV.

APPLICATIONS AT CHAMBERS.

1. Every application at chambers authorised by these Rules shall be made in a summary way by summons.

2. In the Queen's Bench, Common Pleas, and Exchequer Divisions a master, and in the Probate, Divorce, and Admiralty Division a registrar, may transact all such business and exercise all such authority and jurisdiction in respect of the same as under the Act, or the Schedule thereto, or these Rules, may be transacted or exercised by a Judge at chambers, except in respect of the following proceedings and matters; that is to say,—

All matters relating to criminal proceedings or to the liberty of the subject:

The removal of actions from one division or Judge to another division or Judge:

The settlement of issues, except by consent:

Discovery, whether of documents or otherwise, and inspection, except by consent:

Appeals from district registrars:

Interpleader other than such matters arising in interpleader as relate to practice only, except by consent:

Prohibitions:

Injunctions and other orders under sub-section 8 of section 25 of the Act, or under Order LII., Rules 1, 2, and 3 respectively:

Awarding of costs, other than the costs of any proceeding before such master:

Reviewing taxation of costs:

Charging orders on stock funds, annuities, or share of dividends or annual produce thereof:

Acknowledgments of married women.

3. If any matter appears to the master proper for the decision of a Judge the master may refer the same to a Judge, and the Judge may either dispose of the matter or refer the same back to the master with such directions as he may think fit.

4. Any person affected by any order or decision of a master may appeal therefrom to a Judge at chambers. Such appeal shall be by summons, within four days after the decision complained of, or such further time as may be allowed by a Judge or master.

5. An appeal from a master's decision shall be no stay of proceeding unless so ordered by a Judge or master.

6. In the Queen's Bench, Common Pleas, and Exchequer Division every appeal to the Court from any decision at chambers shall be by motion, and shall be made within eight days after the decision appealed against.

ORDER LV.

Costs.

Subject to the provisions of the Act, the costs of and incident to all proceedings in the High Court shall be in the discretion of the Court; but nothing herein contained shall deprive a trustee, mortgagee, or other person of any right to costs out of a particular estate or fund to which he would be entitled, according to the rules hitherto acted upon in Courts of Equity: Provided, that where any action or issue is tried by a jury, the costs shall follow the event, unless upon application made at the trial for good cause shown the Judge before whom such action or issue is tried or the Court shall otherwise order.

ORDER LVI.

Notices and Paper, &c.

1. All notices required by these Rules shall be in writing, unless expressly authorised by a Court or Judge to be given orally.

2. Proceedings required to be printed shall be printed on cream wove machine drawing foolscap folio paper, 19 lbs. per mill ream, or thereabouts, in pica type leaded, with an inner margin about three quarters of an inch wide, and an outer margin about two inches and a half wide.

3. Any affidavit may be sworn to either in print or in manuscript, or partly in print and partly in manuscript.

ORDER LVII.

TIME.

1. Where by these Rules, or by any judgment or order given or made after the commencement of the Act, time for doing any act or taking any proceeding is limited by months, not expressed to be lunar months, such time shall be computed by calendar months.

2. Where any limited time less than six days from or after any date or event is appointed or allowed for doing any act or taking any proceeding, Sunday, Christmas Day, and Good Friday shall not be reckoned in the computation of such limited time.

3. Where the time for doing any act or taking any proceeding expires on a Sunday, or other day on which the offices are closed, and by reason thereof such act or proceeding cannot be done or taken on that day, such act or proceeding shall, so far as regards the time of doing or taking the same, be held to be duly done or taken if done or taken on the day on which the offices shall next be open.

4. No pleadings shall be amended or delivered in the long vacation, unless directed by a Court or a Judge.

5. The time of the long vacation shall not be reckoned in the computation of the times appointed or allowed by these Rules for filing, amending, or delivering any pleading, unless otherwise directed by a Court or a Judge.

6. A Court or a Judge shall have power to enlarge or abridge the time appointed by these Rules, or fixed by any order enlarging time, for doing any act or taking any proceeding, upon such terms (if any) as the justice of the case may require, and any such enlargement may be ordered although the application for the same is not made until after the expiration of the time appointed or allowed.

ORDER LVIII.

APPEALS.

1. Bills of exceptions and proceedings in error shall be abolished.

2. All appeals to the Court of Appeal shall be by way of re-hearing, and shall be brought by notice of motion in a summary way, and no petition, case, or other formal proceeding other than such notice of motion shall be necessary. The appellant may by the notice of motion appeal from the whole or any part of any judgment or order, and the notice of motion shall state whether the whole or part only of such judgment or order is complained of, and in the latter case shall specify such part.

3. The notice of appeal shall be served upon all parties directly affected by the appeal, and it shall not be necessary to serve parties not so affected; but the Court of Appeal may direct notice of the appeal to be served on all or any parties to the action or other proceeding, or upon any person not a party, and in the meantime may postpone or adjourn the hearing of the appeal upon such terms as may seem just, and may give such judgment and make such order as might have been given or made if the persons served with such notice had been originally parties. Any notice of appeal may be amended at any time as to the Court of Appeal may seem fit.

4. Notice of appeal from any judgment, whether final or interlocutory, shall be a fourteen days notice, and notice of appeal from any interlocutory order shall be a four days notice.

5. The Court of Appeal shall have all the powers and duties as

to amendment and otherwise of the Court of First Instance, together with full discretionary power to receive further evidence upon questions of fact, such evidence to be either by oral examination in court, by affidavit, or by deposition taken before an examiner or commissioner. Such further evidence may be given without special leave upon interlocutory applications, or in any case as to matters which have occurred after the date of the decision from which the appeal is brought. Upon appeals from a judgment after trial or hearing of any cause or matter upon the merits, such further evidence (save as to matters subsequent as aforesaid) shall be admitted on special grounds only, and not without special leave of the Court. The Court of Appeal shall have power to give any judgment and make any order which ought to have been made, and to make such further or other order as the case may require. The powers aforesaid may be exercised by the said Court, notwithstanding that the notice of appeal may be that part only of the decision may be reversed or varied, and such powers may also be exercised in favour of all or any of the respondents or parties, although such respondents or parties may not have appealed from or complained of the decision. The Court of Appeal shall have power to make such order as to the whole or any part of the costs of the appeal as may seem just.

6. It shall not, under any circumstances, be necessary for a respondent to give notice of motion by way of cross appeal, but if a respondent intends, upon the hearing of the appeal, to contend that the decision of the Court below should be varied, he shall, within the time specified in the next Rule, or such time as may be prescribed by special order, give notice of such intention to any parties who may be affected by such contention. The omission to give such notice shall not diminish the powers conferred by the Act upon the Court of Appeal, but may, in the discretion of the Court, be ground for an adjournment of the appeal, or for a special order as to costs.

7. Subject to any special order which may be made, notice by a respondent under the last preceding Rule shall in the case of any appeal from a final judgment be an eight days notice, and in the case of an appeal from an interlocutory order a two days notice.

8. The party appealing from a judgment or order shall produce to the proper officer of the Court of Appeal the judgment or order or an office copy thereof, and shall leave with him a copy of the notice of appeal to be filed, and such officer shall thereupon set down the appeal by entering the same in the proper list of appeals, and it shall come on to be heard according to its order in such list, unless the Court of Appeal or a Judge thereof shall otherwise direct, but so as not to come into the paper for hearing before the day named in the notice of appeal.

9. The time for appealing from any order or decision made or given in the matter of the winding up of a company under the provisions of the Companies Act, 1862, or any Act amending the same, or any order or decision made in the matter of any bankruptcy, or in any other matter not being an action, shall be the same as the time limited for appeal from an interlocutory order under Rule 15.

10. Where an ex parte application has been refused by the Court below, an application for a similar purpose may be made to the Court of Appeal ex parte within four days from the date of such refusal, or within such enlarged time as a Judge of the Court below or of the Appeal Court may allow.

11. When any question of fact is involved in an appeal, the evidence taken in the Court below bearing on such question shall,

subject to any special order, be brought before the Court of Appeal as follows:

(*a.*) As to any evidence taken by affidavit, by the production of printed copies of such of the affidavits as have been printed, and office copies of such of them as have not been printed.

(*b.*) As to any evidence given orally, by the production of a copy of the Judge's notes, or such other materials as the Court may deem expedient.

12. Where evidence has not been printed in the Court below, the Court below or a Judge thereof, or the Court of Appeal or a Judge thereof, may order the whole or any part thereof to be printed for the purpose of the appeal. Any party printing evidence for the purpose of an appeal without such order shall bear the costs thereof, unless the Court of Appeal or a Judge thereof shall otherwise order.

13. If, upon the hearing of an appeal, a question arise as to the ruling or direction of the Judge to a jury or assessors, the Court shall have regard to verified notes or other evidence, and to such other materials as the Court may deem expedient.

14. No interlocutory order or rule from which there has been no appeal shall operate so as to bar or prejudice the Court of Appeal from giving such decision upon the appeal as may seem just.

15. No appeal from any interlocutory order shall, except by special leave of the Court of Appeal, be brought after the expiration of twenty-one days, and no other appeal shall, except by such leave, be brought after the expiration of one year. The said respective periods shall be calculated from the time at which the judgment or order is signed, entered, or otherwise perfected, or, in the case of the refusal of an application, from the date of such refusal. Such deposit or other security for the costs to be occasioned by any appeal shall be made or given as may be directed under special circumstances by the Court of Appeal.

16. An appeal shall not operate as a stay of execution or of proceedings under the decision appealed from, except so far as the Court appealed from, or any Judge thereof, or the Court of Appeal, may so order; and no intermediate act or proceeding shall be invalidated, except so far as the Court appealed from may direct.

17. Wherever under these Rules an application may be made either to the Court below or to the Court of Appeal, or to a Judge of the Court below or of the Court of Appeal, it shall be made in the first instance to the Court or Judge below.

18. Every application to a Judge of the Court of Appeal shall be by motion, and the provisions of Order LIII. shall apply thereto.

ORDER LIX.

EFFECT OF NON-COMPLIANCE.

Non-compliance with any of these Rules shall not render the proceedings in any action void unless the Court or a Judge shall so direct, but such proceedings may be set aside either wholly or in part as irregular, or amended, or otherwise dealt with in such manner and upon such terms as the Court or Judge shall think fit.

ORDER LX.

OFFICERS.

1. All officers who at the time of the commencement of the said Act shall be attached to the Court of Chancery shall be attached to the Chancery Division of the said High Court; and all officers who

at the time of the commencement of the said Act shall be attached to the Court of Queen's Bench shall be attached to the Queen's Bench Division of the said High Court; and all officers who at the time of the commencement of the said Act shall be attached to the Court of Common Pleas shall be attached to the Common Pleas Division of the said High Court; and all officers who at the time of the commencement of the said Act shall be attached to the Court of Exchequer shall be attached to the Exchequer Division of the said High Court; and all officers who at the time of the commencement of the said Act shall be attached to the Court of Probate, the Court of Divorce, and the Court of Admiralty respectively shall be attached to the Probate, Divorce, and Admiralty Division of the said High Court.

2. Officers attached to any division shall follow the appeals from the same division, and shall perform in the Court of Appeal analogous duties in reference to such appeals as the registrars and officers of the Court of Chancery usually performed as to re-hearings in the Court of Appeal in Chancery, and as the Masters and officers of the Courts of Queen's Bench, Common Pleas, and Exchequer respectively performed as to appeals heard by the Court of Exchequer Chamber.

ORDER LXI.

Sittings and Vacations.

1. The sittings of the Court of Appeal and the sittings in London and Middlesex of the High Court of Justice shall be four in every year, viz., the Michaelmas sittings, the Hilary sittings, the Easter sittings, and the Trinity sittings.

The Michaelmas sittings shall commence on the 2nd of November and terminate on the 21st of December; the Hilary sittings shall commence on the 11th of January and terminate on the Wednesday before Easter; the Easter sittings shall commence on the Tuesday after Easter week and terminate on the Friday before Whitsunday.

The Trinity sittings shall commence on the Tuesday after Whitsun week and terminate on the 8th of August.

2. The vacations to be observed in the several courts and offices of the Supreme Court shall be four in every year, viz., the Long vacation, the Christmas vacation, the Easter vacation, and the Whitsun vacation.

The Long vacation shall commence on the 10th of August and terminate on the 24th of October. The Christmas vacation shall commence on the 24th of December and terminate on the 6th of January.

The Easter vacation shall commence on Good Friday and terminate on Easter Tuesday, and the Whitsun vacation shall commence on the Saturday before Whitsunday and shall terminate on the Tuesday after Whitsunday.

3. The days of the commencement and termination of each sitting and vacation shall be included in such sitting and vacation respectively.

4. The several offices of the Supreme Court shall be open on every day of the year, except Sundays, Good Friday, Monday and Tuesday in Easter week, Whit Monday, Christmas Day, and the next following working day, and all days appointed by proclamation to be observed as days of general fast, humiliation, or thanksgiving.

5. Two of the Judges of the High Court shall be selected at the commencement of each long vacation for the hearing in London or Middlesex during vacation of all such applications as may require to be immediately or promptly heard. Such two Judges shall act as vacation Judges for one year from their appointment. In the absence of arrangement between the Judges, the two vacation Judges shall be the two Judges last appointed (whether as Judges of the said High Court or of any Court whose jurisdiction is by the said Act transferred to the said High Court) who have not already served as vacation Judges of any such Court, and if there shall not be two Judges for the time being of the said High Court who shall not have so served, then the two vacation Judges shall be the Judge (if any) who has not so served and the senior Judge or Judges who has or have so served once only according to seniority of appointment, whether in the said High Court or such other Court as aforesaid. The Lord Chancellor shall not be liable to serve as a vacation Judge.

6. The vacation Judges may sit either separately or together as a Divisional Court as occasion shall require, and may hear and dispose of all actions, matters, and other business to whichever division the same may be assigned. No order made by a vacation Judge shall be reversed or varied except by a Divisional Court or the Court of Appeal, or a Judge thereof, or the Judge who made the order. Any other Judge of the High Court may sit in vacation for any vacation Judge.

7. The vacation Judges of the High Court may dispose of all actions, matters, and other business of an urgent nature during any interval between the sittings of any division of the High Court to which such business may be assigned, although such interval may not be called or known as a vacation.

ORDER LXII.

EXCEPTIONS FROM THE RULES.

Nothing in these Rules shall affect the practice or procedure in any of the following causes or matters :—

Criminal proceedings :

Proceedings on the Crown side of the Queen's Bench Division :

Proceedings on the Revenue side of the Exchequer Division :

Proceedings for Divorce or other Matrimonial Causes.

ORDER LXIII.

INTERPRETATION OF TERMS.

The provisions of the 100th section of the Act shall apply to these Rules.

In the construction of these Rules, unless there is anything in the subject or context repugnant thereto, the several words hereinafter mentioned or referred to shall have or include the meanings following :—

"Person" shall include a body corporate or politic :

"Probate actions" shall include actions and other matters relating to the grant or recall of probate or of letters of administration other than common form business :

"Proper officer" shall, unless and until any rule to the contrary is made, mean an officer to be ascertained as follows :—

(*a.*) Where any duty to be discharged under the Act or these Rules is a duty which has heretofore been discharged by

any officer, such officer shall continue to be the proper officer to discharge the same:

(*b.*) Where any new duty is under the Act or these Rules to be discharged, the proper officer to discharge the same shall be such officer, having previously discharged analogous duties, as may from time to time be directed to discharge the same, in the case of an officer of the Supreme Court, or the High Court of Justice, or the Court of Appeal, not attached to any division, by the Lord Chancellor, and in the case of an officer attached to any division, by the President of the division, and in the case of an officer attached to any Judge, by such Judge:

"The Act" and "the said Act" shall respectively mean the Supreme Court of Judicature Act, 1873, as amended by this Act.

APPENDIX (A.)

PART I.

FORMS OF WRITS OF SUMMONS, &c.

No. 1.

187 . [*Here put the letter and number.*]

In the High Court of Justice. Division.

Between *A.B.* Plaintiff,

and

C.D. and *E.F.* Defendants.

VICTORIA, by the grace of God, *&c.*

To *C.D.* of in the county of and *E.F.* of

We command you, That within eight days after the service of this writ on you, inclusive of the day of such service, you do cause an appearance to be entered for you in the Division of Our High Court of Justice in an action at the suit of *A.B.*; and take notice, that in default of your so doing the plaintiff may proceed therein, and judgment may be given in your absence. Witness, *&c.*

Memorandum to be subscribed on the writ.

N.B.—This writ is to be served within (*twelve*) calendar months from the date thereof, or, if renewed, from the date of such renewal, including the day of such date, and not afterwards.

The defendant [*or defendants*] may appear hereto by entering an appearance [*or appearances*] either personally or by solicitor at the [ ] office at

Indorsements to be made on the writ before issue thereof.

The plaintiff's claim is for, *&c.*

This writ was issued by *E.F.*, of solicitor for the said plaintiff, who resides at , *or*, this writ was issued by the plaintiff in person who resides at [*mention the city, town, or parish, and also the name of the street and number of the house of the plaintiff's residence, if any*].

Indorsement to be made on the writ after service thereof.

This writ was served by *X.Y.* on *L.M.* [the defendant *or* one of the defendants], on *Monday*, the day of , 18 .

(Signed) *X.Y.*

No. 2.

Writ for service out of the jurisdiction, or where notice in lieu of service is to be given out of the jurisdiction.

187 . [*Here put the letter and number.*]

In the High Court of Justice. Division.

Between *A.B.* Plaintiff,
and
C.D. and *E.F.* Defendants.

VICTORIA, by the grace of God, *&c.*

To *C.D.* of

We command you, *C.D.*, That within [*here insert the number of days directed by the Court or Judge ordering the service or notice*] after the service of this writ [*or notice of this writ, as the case may be*] on you, inclusive of the day of such service, you do cause an appearance to be entered for you in the Division of Our High Court of Justice in an action at the suit of *A.B.*; and take notice, that in default of your so doing the plaintiff may, by leave of the Court or a Judge, proceed therein, and judgment may be given in your absence. Witness, *&c.*

Memoranda and Indorsements as in Form No. 1.

Indorsement to be made on the writ before the issue thereof.

N.B.—*This writ is to be used where the Defendant or all the Defendants or one or more Defendant or Defendants is or are out of the jurisdiction.*

No. 3.

Notice of Writ in lieu of service to be given out of the jurisdiction.

187 . [*Here put the letter and number.*]

Between *A.B.* Plaintiff,
and
C.D., *E.F.*, and *G.H.* Defendants.

To *G.H.*, of

Take notice, that *A.B.*, of has commenced an action against you, *G.H.*, in the Division of Her Majesty's High Court of Justice in England, by writ of that Court, dated the day of , A.D. 18 ; which writ is indorsed as follows [*copy in full the indorsements*], and you are required within days after the receipt of this notice, inclusive of the day of such receipt, to defend the said action, by causing an appearance to be entered for you in the said Court to the said action; and in default of your so doing, the said *A.B.* may, by leave of the Court or a Judge, proceed therein, and judgment may be given in your absence.

You may appear to the said writ by entering an appearance personally or by your solicitor at the [ ] office at

(Signed) *A.B.* of *&c.*

or

X.Y. of *&c.*
Solicitor for *A.B.*

In the High Court of Justice. Division.

No. 4.

Writ in Admiralty action in rem.

187 . [*Here put the letter and number.*]

In the High Court of Justice.
Admiralty Division.

Between *A.B.*, plaintiff,
and
Owners.

VICTORIA, *&c.*

To the owners and parties interested in the ship or vessel [*Mary*] [*or cargo, &c., as the case may be*] of the port of

We hereby authorise officer of Our Supreme Court, and all and singular his substitutes, to arrest the ship or vessel [*Mary*], of the port of and the cargo laden therein [*or cargo, &c., as the case may be*], and to keep the same under safe arrest until he shall receive further orders from Us. And We command you, the owners and other parties interested in the said ship and cargo [*or cargo, &c., as the case may be*] that within eight days after the arrest of the said vessel [*or cargo, &c., as the case may be*] you do cause an appearance to be entered for you in the Admiralty Division of Our High Court of Justice in an action at the suit of *A.B.*; and take notice, that in default of your so doing Our said Court will proceed to hear the said action and to pronounce judgment therein, your absence notwithstanding.

No. 5.

Form of Memorandum for Renewed Writ.

In the High Court of Justice.
Division.
Between *A.B.*, plaintiff,
and
C.D., defendant.

Seal renewed writ of summons in this action indorsed as follows :—
[*Copy original writ and the indorsements.*]

No. 6.

Memorandum of Appearance.

187 . [*Here put the letter and number.*]

High Court of Justice.
[*Chancery*] Division.
A.B. v. *C.D.*, and others.

Enter an appearance for in this action.
Dated this day of
X.Y.,
Solicitor for the Defendant.

The place of business of *X.Y.* is
His address for service is
or [*C.D.*,
Defendant in person.
The address of *C.D.* is
His address for service is .]

The said defendant [requires, *or*, does not require] a statement of complaint to be filed and delivered.

No. 7.

[*Here put the letter and number.*]

In the High Court of Justice.
Queen's Bench (*or* Chancery, C.P., *or*, *&c.*) Division.
Between *A.B.*, plaintiff,
and
C.D., and
E.F., defendants.

The defendant *C.D.* limits his defence to part only of the property mentioned in the writ in this action, that is to say, to the close called "the Big field."

Yours, &c.
G.H.,
Solicitor for the said defendant *C.D.*

To Mr. *X.Y.*, plaintiff's solicitor.

PART II.

SECTION I.

GENERAL INDORSEMENTS.

In Matters assigned by the 34th Section of the Act to the Chancery Division.

1. *Creditor to administer Estate.*

The plaintiff's claim is as a creditor of *X.Y.*, of deceased, to have the [real and] personal estate of the said *X.Y.* administered. The defendant *C.D.* is sued as the administrator of the said *X.Y.* [and the defendants *E.F.* and *G.H.* as his co-heirs-at-law].

2. *Legatee to administer Estate.*

The plaintiff's claim is as a legatee under the will dated the day of 18 , of *X.Y.* deceased, to have the [real and] personal estate of the said *X.Y.* administered. The defendant *C.D.* is sued as the executor of the said *X.Y.* [and the defendants *E.F.* and *G.H.* as his devisees].

3. *Partnership.*

The plaintiff's claim is to have an account taken of the partnership dealings between the plaintiff and defendant [under articles of partnership dated the day of], and to have the affairs of the partnership wound up.

4. *By Mortgagee.*

The plaintiff's claim is to have an account taken of what is due to him for principal, interest, and costs on a mortgage dated the day of made between [*or by deposit of title deeds*], and that the mortgage may be enforced by foreclosure or sale.

5. *By Mortgagor.*

The plaintiff's claim is to have an account taken of what, if anything, is due on a mortgage dated and made between [*parties*], and to redeem the property comprised therein.

6. *Raising Portions.*

The plaintiff's claim is that the sum of *l.*, which by an indenture of settlement dated , was provided for the portions of the younger children of may be raised.

7. *Execution of Trusts.*

The plaintiff's claim is to have the trusts of an indenture dated and made between , carried into execution.

8. *Cancellation or Rectification.*

The plaintiff's claim is to have a deed dated and made between [*parties*], set aside or rectified.

9. *Specific Performance.*

The plaintiff's claim is for specific performance of an agreement dated the day of , for the sale by the plaintiff to the defendant of certain [*freehold*] hereditaments at .

SECTION II.

Money Claims where no Special Indorsement under Order III., Rule 6.

Goods sold. The plaintiff's claim is *l.* for the price of goods sold.
[*This Form shall suffice whether the claim be in respect of goods sold and delivered, or of goods bargained and sold.*]

Money lent. The plaintiff's claim is *l.* for money lent [*and interest*].

Several demands. The plaintiff's claim is *l.*, whereof *l.* is for the price of goods sold, and *l.* for money lent, and *l.* for interest.

Rent. The plaintiff's claim is *l.* for arrears of rent.

Salary, &c. The plaintiff's claim is *l.* for arrears of salary as a clerk [*or as the case may be*].

Interest. The plaintiff's claim is *l.* for interest upon money lent.

The plaintiff's claim is	*l.* for a general average contribution.	General average.
The plaintiff's claim is	*l.* for freight and demurrage.	Freight, &c.
The plaintiff's claim is	*l.* for lighterage.	
The plaintiff's claim is	*l.* for market tolls and stallage.	Tolls.
The plaintiff's claim is	*l.* for penalties under the Statute [. . .].	Penalties.
The plaintiff's claim is as a banker.	*l.* for money deposited with the defendant	Bankers balance.
The plaintiff's claim is *money expended*] as a solicitor.	*l.* for fees for work done [*and* *l.*	Fees, &c. as solicitors.
The plaintiff's claim is *ter as auctioneer, cotton broker, &c.*].	*l.* for commission earned as [*state charac-*	Commission.
The plaintiff's claim is	*l.* for medical attendances.	Medical attendance, &c.
The plaintiff's claim is policies of insurance.	*l.* for a return of premiums paid upon	Return of premium.
The plaintiff's claim is	*l.* for the warehousing of goods.	Warehouse rent.
The plaintiff's claim is	*l.* for the carriage of goods by railway.	Carriage of goods.
The plaintiff's claim is	*l.* for the use and occupation of a house.	Use and occupation of houses.
The plaintiff's claim is	*l.* for the hire of [*furniture*].	Hire of goods.
The plaintiff's claim is	*l.* for work done as a surveyor.	Work done.
The plaintiff's claim is	*l.* for board and lodging.	Board and lodging.
The plaintiff's claim is *X.Y.*	*l.* for the board, lodging, and tuition of	Schooling.
The plaintiff's claim is solicitor [*or factor, or collector, or, &c.*] of the plaintiff.	*l.* for money received by the defendant as	Money received.
The plaintiff's claim is colour of the office of	*l.* for fees received by the defendant under	Fees of office.
The plaintiff's claim is the carriage of goods by railway.	*l.* for a return of money overcharged for	Money overpaid.
The plaintiff's claim is defendant as	*l.* for a return of fees overcharged by the	
The plaintiff's claim is defendant as stakeholder.	*l.* for a return of money deposited with the	Return of money by stakeholder.
The plaintiff's claim is stakeholder, and become payable to plaintiff.	*l.* for money entrusted to the defendant as	Money won, from stakeholder.
The plaintiff's claim is defendant as agent of the plaintiff.	*l.* for a return of money entrusted to the	Money entrusted to agent.
The plaintiff's claim is plaintiff by fraud.	*l.* for a return of money obtained from the	Money obtained by fraud.
The plaintiff's claim is dant by mistake.	*l.* for a return of money paid to the defen-	Money paid by mistake.
The plaintiff's claim is defendant for [*work to be done, left undone; or, a bill to be taken up; not taken up, or, &c.*].	*l.* for a return of money paid to the	Money paid for consideration which has failed.
The plaintiff's claim is upon shares to be allotted.	*l.* for a return of money paid as a deposit	
The plaintiff's claim is surety.	*l.* for money paid for the defendant as his	Money paid by surety for defendant.
The plaintiff's claim is defendant.	*l.* for money paid for rent due by the	Rent paid.
The plaintiff's claim is *indorsed*] for the defendant's accommodation.	*l.* upon a bill of exchange accepted [*or*	Money paid on accommodation bill.
The plaintiff's claim is paid by the plaintiff as surety.	*l.* for a contribution in respect of money	Contribution by surety.
The plaintiff's claim is debt of the plaintiff and the defendant, paid by the plaintiff.	*l.* for a contribution in respect of a joint	By co-debtor.
The plaintiff's claim is against which the defendant was bound to indemnify the plaintiff.	*l.* for money paid for calls upon shares,	Money paid for calls.
The plaintiff's claim is	*l.* for money payable under an award.	Money payable under award.
The plaintiff's claim is of *X.Y.*, deceased.	*l.* upon a policy of insurance upon the life	Life policy.
The plaintiff's claim is 1,000*l.*, and interest.	*l.* upon a bond to secure payment of	Money bond.
The plaintiff's claim is in the Empire of Russia.	*l.* upon a judgment of the Court,	Foreign judgment.

Bills of exchange, &c.

The plaintiff's claim is *l.* upon a cheque drawn by the defendant.

The plaintiff's claim is *l.* upon a bill of exchange accepted [*or drawn or indorsed*] by the defendant.

The plaintiff's claim is *l.* upon a promissory note made [*or indorsed*] by the defendant.

The plaintiff's claim is *l.* against the defendant *A.B.* as acceptor, and against the defendant *C.D.* as drawer [*or indorser*] of a bill of exchange.

Surety.

The plaintiff's claim is *l.* against the defendant as surety for the price of goods sold.

The plaintiff's claim is *l.* against the defendant *A.B.* as principal, and against the defendant *C.D.* as surety, for the price of goods sold [*or arrears of rent, or for money lent, or for money received by the defendant A.B. as traveller for the plaintiffs, or, &c.*]

Del credere agent.

The plaintiff's claim is *l.* against the defendant as a *del credere* agent for the price of goods sold [*or as losses under a policy*].

Calls.

The plaintiff's claim is *l.* for calls upon shares.

Waygoing crops, &c.

The plaintiff's claim is *l.* for crops, tillage, manure [*or as the case may be*] left by the defendant as outgoing tenant of a farm.

SECTION III.

Indorsement for Costs, &c. [*add to the above Forms*].

And *l.* for costs; and if the amount claimed be paid to the plaintiff or his solicitor within four days [*or if the writ is to be served out of the jurisdiction, or notice in lieu of service allowed, insert the time for appearance limited by the order*] from the service hereof, further proceedings will be stayed.

SECTION IV.

Damages and other Claims.

Agent, &c.

The plaintiff's claim is for damages for breach of a contract to employ the plaintiff as traveller.

The plaintiff's claim is for damages for wrongful dismissal from the defendant's employment as traveller [*and l. for arrears of wages*].

The plaintiff's claim is for damages for the defendant's wrongfully quitting the plaintiff's employment as manager.

The plaintiff's claim is for damages for breach of duty as factor [*or, &c.*] of the plaintiff [*and l. for money received as factor, &c.*]

Apprentices.

The plaintiff's claim is for damages for breach of the terms of a deed of apprenticeship of *X.Y.* to the defendant [*or plaintiff*].

Arbitration.

The plaintiff's claim is for damages, for non-compliance with the award of *X.Y.*

Assault, &c.

The plaintiff's claim is for damages for assault [*and false imprisonment, and for malicious prosecution*].

By husband and wife.

The plaintiff's claim is for damages for assault and false imprisonment of the plaintiff *C.D.*

Against husband and wife.

The plaintiff's claim is for damages for assault by the defendant *C.D.*

Solicitor.

The plaintiff's claim is for damages for injury by the defendant's negligence as solicitor of the plaintiff.

Bailment.

The plaintiff's claim is for damages for negligence in the custody of goods [*and for wrongfully detaining the same*].

Pledge.

The plaintiff's claim is for damages for negligence in the keeping of goods pawned [*and for wrongfully detaining the same*].

Hire.

The plaintiff's claim is for damages for negligence in the custody of furniture lent on hire [*or a carriage lent*], [*and for wrongfully, &c.*]

Banker.

The plaintiff's claim is for damages for wrongfully neglecting [*or refusing*] to pay the plaintiff's cheque.

Bill.

The plaintiff's claim is for damages for breach of a contract to accept the plaintiff's drafts.

Bond.

The plaintiff's claim is upon a bond conditioned not to carry on the trade of a

Carrier.

The plaintiff's claim is for damages for refusing to carry the plaintiff's goods by railway.

The plaintiff's claim is for damages for refusing to carry the plaintiff by railway.

The plaintiff's claim is for damages for breach of duty in and about the carriage and delivery of coals by railway.

The plaintiff's claim is for damages for breach of duty in and about the carriage and delivery of machinery by sea.

The plaintiff's claim is for damages for breach of charter-party of ship [*Mary*]. — Charter-party.

The plaintiff's claim is for return of household furniture, or, &c., or their value, and for damages for detaining the same. — Claim for return of goods; damages.

The plaintiff's claim is for wrongfully depriving plaintiff of goods, household furniture, &c. — Damages for depriving of goods.

The plaintiff's claim is for damages for libel. — Defamation.

The plaintiff's claim is for damages for slander.

The plaintiff's claim is in replevin for goods wrongfully distrained. — Distress. Replevin.

The plaintiff's claim is for damages for improperly distraining. — Wrongful distress.

[*This Form shall be sufficient whether the distress complained of be wrongful or excessive, or irregular, and whether the claim be for damages only, or for double value.*]

The plaintiff's claim is to recover possession of a house, No. in street, or of a farm called Blackacre, situate in the parish of in the county of . — Ejectment.

The plaintiff's claim is to establish his title to [*here describe property*], and to recover the rents thereof. — To establish title and recover rents.

[*The two previous Forms may be combined.*]

The plaintiff's claim is for dower. — Dower.

The plaintiff's claim is for damages for infringement of the plaintiff's right of fishing. — Fishery.

The plaintiff's claim is for damages for fraudulent misrepresentation on the sale of a horse [*or a business, or shares, or, &c.*] — Fraud.

The plaintiff's claim is for damages for fraudulent misrepresentation of the credit of *A.B.*

The plaintiff's claim is for damages for breach of a contract of guarantee for *A.B.* — Guarantee.

The plaintiff's claim is for damages for breach of a contract to indemnify the plaintiff as the defendant's agent to distrain.

The plaintiff's claim is for a loss under a policy upon the ship "Royal Charter," and freight or cargo [*or for return of premiums*]. — Insurance.

[*This Form shall be sufficient whether the loss claimed be total or partial.*]

The plaintiff's claim is for a loss under a policy of fire insurance upon house and furniture. — Fire insurance.

The plaintiff's claim is for damages for breach of a contract to insure a house.

The plaintiff's claim is for damages for breach of contract to keep a house in repair. — Landlord and tenant.

The plaintiff's claim is for damages for breaches of covenants contained in a lease of a farm.

The plaintiff's claim is for damages for injury to the plaintiff from the defendant's negligence as a medical man. — Medical man.

The plaintiff's claim is for damages for injury by the defendant's dog. — Mischievous animal.

The plaintiff's claim is for damages for injury to the plaintiff [*or, if by husband and wife, to the plaintiff, C.D.*] by the negligent driving of the defendant or his servants. — Negligence.

The plaintiff's claim is for damages for injury to the plaintiff while a passenger on the defendant's railway by the negligence of the defendant's servants.

The plaintiff's claim is for damages for injury to the plaintiff at the defendant's railway station, from the defective condition of the station.

The plaintiff's claim is as executor of *A.B.* deceased, for damages for the death of the said *A.B.* from injuries received while a passenger on the defendant's railway, by the negligence of the defendant's servants. — Lord Campbell's Act.

The plaintiff's claim is for damages for breach of promise of marriage. — Promise of marriage.

The plaintiff's claim is in quare impedit for — Quare impedit.

The plaintiff's claim is for damages for the seduction of the plaintiff's daughter. — Seduction.

Sale of goods. The plaintiff's claim is for damages for breach of contract to accept and pay for goods.

The plaintiff's claim is for damages for non-delivery [*or* short delivery, *or* defective quality, *or other breach of contract of sale*] of cotton [*or, &c.*]

The plaintiff's claim is for damages for breach of warranty of a horse.

Sale of land. The plaintiff's claim is for damages for breach of a contract to sell [*or purchase*] land.

The plaintiff's claim is for damages for breach of a contract to let [*or take*] a house.

The plaintiff's claim is for damages for breach of a contract to sell [*or purchase*] the lease, with goodwill, fixtures, and stock in trade of a public house.

The plaintiff's claim is for damages for breach of covenant for title [*or for quiet enjoyment, or, &c.*] in a conveyance of land.

Trespass to land. The plaintiff's claim is for damages for wrongfully entering the plaintiff's land and drawing water from his well [*or cutting his grass, or pulling down his timber, or pulling down his fences, or removing his gate, or using his road or path, or crossing his field, or depositing sand there, or carrying away gravel from thence, or carrying away stones from his river*].

Support. The plaintiff's claim is for damages for wrongfully taking away the support of plaintiff's land [*or house, or mine*].

Way. The plaintiff's claim is for damages for wrongfully obstructing a way [*public highway or a private way*].

Watercourse, &c. The plaintiff's claim is for damages for wrongfully diverting [*or obstructing, or polluting, or diverting water from*] a watercourse.

The plaintiff's claim is for damages for wrongfully discharging water upon the plaintiff's land [*or into the plaintiff's mine*].

The plaintiff's claim is for damages for wrongfully obstructing the plaintiff's use of a well.

Pasture. The plaintiff's claim is for damages for the infringement of the plaintiff's right of pasture.

[*This Form shall be sufficient whatever the nature of the right to pasture be.*]

Light. The plaintiff's claim is for damages for obstructing the access of light to plaintiff's house.

Sporting. The plaintiff's claim is for damages for the infringement of the plaintiff's right of sporting.

Patent. The plaintiff's claim is for damages for the infringement of the plaintiff's patent.

Copyright. The plaintiff's claim is for damages for the infringement of the plaintiff's copyright.

Trade mark. The plaintiff's claim is for damages for wrongfully using [*or imitating*] the plaintiff's trade mark.

Work. The plaintiff's claim is for damages for breach of a contract to build a ship [*or to repair a house, &c.*]

The plaintiff's claim is for damages for breach of a contract to employ the plaintiff to build a ship, *&c.*

Nuisance. The plaintiff's claim is for damages to his house, trees, crops, &c., caused by noxious vapours from the defendant's factory [*or &c.*]

The plaintiff's claim is for damages from nuisance by noise from the defendant's works [*or stables, or, &c.*]

Innkeeper. The plaintiff's claim is for damages for loss of the plaintiff's goods in the defendant's inn.

Add to Indorsement:—

Mandamus. And for a mandamus.

Add to Indorsement:—

Injunction. And for an injunction.

Add to Indorsement where claim is to lend, or to establish title, or both.

Mesne profits. And for mesne profits.

Arrears of rent. And for an account of rents or arrears of rent.

Breach of covenant. And for breach of covenant for [*repairs*].

SECTION V.

Probate.

1. *By an executor or legatee propounding a will in solemn form.*

The plaintiff claims to be executor of the last will dated the

day of of *C.W.*, late of
Gentleman, deceased, who died on the day of
and to have the said will established. This writ is issued against you as one of the next of kin of the said deceased [*or as the case may be*].

2. *By an executor or legatee of a former will, or a next of kin, &c., of the deceased seeking to obtain the revocation of a Probate granted in common form.*

The plaintiff claims to be executor of the last will dated the
day of of *C.D.*, late of Gentleman,
deceased, who died on the day of and to
have the probate of a pretended will of the said deceased, dated the
day of revoked. This writ is issued against you as the executor of the said pretended will [*or as the case may be*].

3. *By an executor or legatee of a will when letters of administration have been granted as in an intestacy.*

The plaintiff claims to be executor of the last will of *C.D.*, late of
Gentleman, deceased, who died on the day
of dated the . day of .

The plaintiff claims that the grant of letters of administration of the personal estate of the said deceased obtained by you should be revoked, and probate of the said will granted to him.

4. *By a person claiming a grant of administration as a next of kin of the deceased, but whose interest as next of kin is disputed.*

The plaintiff claims to be the brother and sole next of kin of *C.D.* of
Gentleman, deceased, who died on the
day of intestate and to have as such a grant of administration to the personal estate of the said intestate. This writ is issued against you because you have entered a caveat, and have alleged that you are the sole next of kin of the deceased [*or as the case may be*].

(*g.*) SECTION VI.

Admiralty.

1. *Damage to vessel by collision.*

The plaintiffs as owners of the vessel "Mary," of the port of
claim 1,000*l.* against the brig or vessel "Jane" for damage occasioned by a collision, which took place in the North Sea in the month of May last.

2. *Damage to cargo by collision.*

The plaintiffs as owners of the cargo laden on board the vessel "Mary," of the port of , claim £ against the vessel "Jane," for damage done to the said cargo in a collision in the North Sea in the month of May last.

[The two previous forms may be combined.]

3. *Damage to cargo otherwise.*

The plaintiff as owner of goods laden on board the vessel "Mary," on a voyage from Lisbon to England, claims from the owner of the said vessel £ for damage done to the said goods during such voyage.

4. *In causes of possession.*

The plaintiff as sole owner of the vessel "Mary," of the port of
claims to have possession decreed to him of the said vessel.

5. The plaintiff claims possession of the vessel "Mary," of the port of
as owner of 48–64th shares of the said vessel against *C.D.*, owner of 16–64th shares of the said vessel.

6. The plaintiff as part owner of the vessel "Mary," claims against *C.D.*, part owner and his shares in the said vessel £ as part of the earnings of the said vessel due to plaintiff.

7. The plaintiff as owner of 48–64th shares of the vessel "Mary," of the port of , claims possession of the said brig as against *C.D.* the master thereof.

8. The plaintiff under a mortgage, dated the day of ,
claims against the vessel "Mary," £ , being the amount of his mortgage thereon, and £ for interest.

9. The plaintiff as assignee of a bottomry bond, dated the day
of , and granted by *C.D.* as master of the vessel "Mary," of the

port of , to *A.B.*, at St. Thomas's, in the West Indies, claims £ against the vessel "Mary" and the cargo laden thereon.

10. *By a part owner of a vessel.*

The plaintiff as owner of 24-64th shares of the vessel "Mary," being dissatisfied with the management of the said vessel by his co-owners, claims that his co-owners shall give him a bond in £ for the value of the plaintiff's said shares in the said vessel.

11. The plaintiffs as owners of the derelict vessel "Mary," of the port of , claim to be put in possession of the said vessel and her cargo.

12. *By Salvors.*

The plaintiffs as the owners, master, and crew of the vessel "Caroline," of the port of , claim the sum of £ for salvage services performed by them to the vessel "Mary," off the Goodwin Sands, on the day of .

13. *Claim for Towage.*

The plaintiffs as owners of the steam-tug "Jane," of the port of , claim £ for towage services performed by the said steam-tug to the vessel "Mary," on the day of .

14. *Seamen's Wages.*

The plaintiffs as seamen on board the vessel "Mary," claim £ for wages due to them, as follows (1), the mate 30*l.* for two months' wages from the day of .

15. *For Necessaries.*

The plaintiffs claim £ for necessaries supplied to the vessel "Mary," at the port of Newcastle-on-Tyne, delivered on the day of and the day of .

SECTION VII.

Special Indorsements under Order III., Rule 6.

1. The plaintiff's claim is for the price of goods sold. The following are the particulars —

1873—31st December.—

	£	s.	d.
Balance of account for butcher's meat to this date - -	35	10	0
1874—1st January to 31st March.— Butcher's meat supplied -	74	5	0
	109	15	0
1874—1st February.—Paid - -	45	0	0
Balance due - -	£64	15	0

2. The plaintiff's claim is against the defendant *A.B.* as principal and against the defendant *C.D.* as surety, for the price of goods sold to *A.B.* The following are the particulars :—

1874—2nd February. Guarantee by *C.D.* of the price of woollen goods, to be supplied to *A.B.*

	£	s.	d.
2nd February—To goods - -	47	15	0
3rd March—To goods - -	105	14	0
17th March—To goods - -	14	12	0
5th April—To goods - -	34	0	0
	202	1	0

3. The plaintiff's claim is against the defendant, as maker of a promissory note. The following are the particulars :—

Promissory note for 250*l.*, dated 1st January 1874, made by defendant, payable four months after date.

	£
Principal - - - -	250
Interest - - - -	

4. The plaintiff's claim is against the defendant *A B.* as acceptor, and

against the defendant *C.D.* as drawer, of a bill of exchange. The following are the particulars:—

Bill of exchange for 500*l.*, dated 1st January 1874, drawn by defendant *C.D.* upon and accepted by defendant *A.B.*, payable three months after date.

	£
Principal - - - -	500
Interest - - - -	

5. The plaintiff's claim is for principal and interest due upon a bond. The following are the particulars:—

Bond dated 1st January 1873. Condition for payment of 100*l.* on the 26th December 1873.

	£
Principal due - - -	50
Interest - - - -	

6. The plaintiff's claim is for principal and interest due under a covenant. The following are the particulars:—

Deed dated covenant to pay 100*l.* and interest.

	£
Principal due - - - - - -	80
Interest - - - - - - -	

SECTION VIII.

Indorsements of Character of Parties.

The plaintiff's claim is as executor [*or administrator*] of *C.D.*, deceased, for, *&c.* — Executors.

The plaintiff's claim is against the defendant *A.B.*, as executor [*or, &c.*] of *C.D.*, deceased, for, *&c.*

The plaintiff's claim is against the defendant *A.B.*, as executor of *X.Y.*, deceased, and against the defendant *C.D.*, in his personal capacity, for, *&c.*

The claim of the plaintiff *C.D.* is as executrix of *X.Y.*, deceased, and the claim of the plaintiff *A.B.* as her husband, for — By husband and wife, executrix.

The claim of the plaintiff is against the defendant *C.D.*, as executrix of the defendant *C.D.*, deceased, and against the defendant *A.B.*, as her husband, for — Against husband and wife, executrix.

The plaintiff's claim is as trustee under the bankruptcy of *A.B.*, for — Trustee in bankruptcy.

The plaintiff's claim is against the defendant as trustee under the bankruptcy of *A.B.*, for

The plaintiff's claim is as [*or the plaintiff's claim is against the defendant as*] trustee under the will of *A.B.* [*or under the settlement upon the marriage of A.B. and X.Y., his wife*]. — Trustees.

The plaintiff's claim is as public officer of the Bank, for — Public officer.

The plaintiff's claim is against the defendant as public officer of the Bank, for

The plaintiff's claim is against the defendant *A.B.* as principal, and against the defendant *C.D.* as public officer of the Bank, as surety for

The plaintiff's claim is against the defendant as heir-at-law of *A.B.*, deceased. — Heir and devisee.

The plaintiff's claim is against the defendant *C.D.* as heir-at-law, and against the defendant *E.F.* as devisee of lands under the will of *A.B.*

The plaintiff's claim is as well for the Queen as for himself, for — Qui tam action.

APPENDIX (B.)

FORM 1.

Notice by Defendant to Third Party.

187 . [*Here put the letter and number.*]
Notice filed , 187 .

In the High Court,
Queen's Bench Division.

Between *A.B.*, plaintiff,
and
C.D., defendant.

To Mr. *X.Y.*

Take notice that this action has been brought by the plaintiff against the defendant [as surety for *M.N.*, upon a bond conditioned for payment of 2,000*l.* and interest to the plaintiff.

The defendant claims to be entitled to contribution from you to the extent of one-half of any sum which the plaintiff may recover against him, on the ground that you are [his co-surety under the said bond, *or*, also surety for the said *M.N.*, in respect of the said matter, under another bond made by you in favour of the said plaintiff, dated the day of , A.D.]].

Or [as acceptor of a bill of exchange for 500*l.*, dated the day of , A.D. , drawn by you before and accepted by the defendant, and payable three months after date.

The defendant claims to be indemnified by you against liability under the said bill, on the ground that it was accepted for your accommodation.]

Or [to recover damages for a breach of a contract for the sale and delivery to the plaintiff of 1,000 tons of coal.

The defendant claims to be indemnified by you against liability in respect of the said contract, or any breach thereof, on the ground that it was made by him on your behalf and as your agent.]

And take notice that, if you wish to dispute the plaintiff's claim in this action as against the defendant *C.D.*, you must cause an appearance to be entered for you within eight days after service of this notice.

In default of your so appearing, you will not be entitled in any future proceeding between the defendant *C.D.* and yourself to dispute the validity of the judgment in this action, whether obtained by consent or otherwise.

(Signed) *E.T.*

Or,

X.Y.,
Solicitor for the defendant,
E.T.

Appearance to be entered at .

FORM 2.

187 . [*Here put the letter and number.*]

In the High Court,
Queen's Bench Division.

Between *A.B.*, plaintiff,
and
C.D., defendant.

The plaintiff confesses the defence stated in the paragraph of the defendant's statement of defence [*or*, of the defendant's further statement of defence].

FORM 3.

187 . [*Here put the letter and number.*]

In the High Court of Justice,
Division.

Between *A.B.*, plaintiff,
and
C.D., defendant.

The particulars of the plaintiff's complaint herein, and of the relief and

remedy to which he claims to be entitled, appear by the indorsement upon the writ of summons.

FORM 4.

" To the within-named *X.Y.*

" Take notice that if you do not appear to the within counter-claim of " the within-named *C.D.* within eight days from the service of this defence " and counter-claim upon you, you will be liable to have judgment given " against you in your absence.

" Appearances are to be entered at "

FORM 5.

Notice of Payment into Court.

In the High Court of Justice, 1875. B. No.
Q.B. Division.

A.B. v. *C.D.*

Take notice that the defendant has paid into Court £ , and says that that sum is enough to satisfy the plaintiff's claim [*or the plaintiff's claim for, &c.*]

To Mr. *X.Y.*,
the Plaintiff's Solicitor.

Z.,
Defendant's Solicitor.

FORM 6.

Acceptance of Sum paid into Court.

In the High Court of Justice, 1875. B. No.
Q.B. Division.

A.B. v. *C.D.*

Take notice that the plaintiff accepts the sum of £ paid by you into Court in satisfaction of the claim in respect of which it is paid in.

FORM 7.

Form of Interrogatories.

In the High Court of Justice, 1874. B. No.
Division.

Between *A.B.*, Plaintiff,
and
C.D., *E.F.*, and *G.H.*, Defendants.

Interrogatories on behalf of the above-named [*plaintiff*, or *defendant C.D.*] for the examination of the above-named [*defendants E.F. and G.H.*, or *plaintiff*].

1. Did not, &c.
2. Has not, &c.

&c. &c. &c.

[*The defendant* E.F. *is required to answer the interrogatories numbered* .]

[*The defendant* G.H. *is required to answer the interrogatories numbered* .]

FORM 8.

Form of Answer to Interrogatories.

In the High Court of Justice, 1874. B. No.
Division.

Between *A.B.*, Plaintiff,
and
C.D., *E.F.*, and *G.H.*, Defendants.

The answer of the above-named defendant *E.F.* to the interrogatories for his examination by the above-named plaintiff.

In answer to the said interrogatories, I, the above-named *E.F.*, make oath and say as follows :—

FORM 9.

Form of Affidavit as to Documents.

In the High Court of Justice, 1874. B. No.
Division.

Between *A.B.*, Plaintiff,
and
C.D., Defendant.

I, the above-named defendant *C.D.*, make oath and say as follows :—

1. I have in my possession or power the documents relating to the matters in question in this suit set forth in the first and second parts of the first schedule hereto.

2. I object to produce the said documents set forth in the second part of the said first schedule hereto.

3. That [*here state upon what grounds the objection is made, and verify the facts as far as may be*].

4. I have had, but have not now, in my possession or power the documents relating to the matters in question in this suit set forth in the second schedule hereto.

5. The last-mentioned documents were last in my possession or power on [*state when*].

6. That [*here state what has become of the last-mentioned documents, and in whose possession they now are*].

7. According to the best of my knowledge, information, and belief, I have not now, and never had in my possession, custody, or power, or in the possession, custody, or power of my solicitors or agents, solicitor or agent, or in the possession, custody, or power of any other persons or person on my behalf, any deed, account, book of account, voucher, receipt, letter, memorandum, paper, or writing, or any copy of or extract from any such document, or any other document whatsoever, relating to the matters in question in this suit, or any of them, or wherein any entry has been made relative to such matters, or any of them, other than and except the documents set forth in the said first and second schedules hereto.

FORM 10.

Form of Notice to produce Documents.

In the High Court of Justice,
Q.B. Division.

A.B. v. *C.D.*

Take notice that the [*plaintiff or defendant*] requires you to produce for his inspection the following documents referred to in your [*statement of claim*, or *defence*, or *affidavit, dated the day of* A.D.]

Describe documents required.

X. Y.,
Solicitor to the

To *Z.*,
Solicitor for

FORM 11.

Form of Notice to inspect Documents.

In the High Court of Justice,
Q.B. Division.

A.B. v. *C.D.*

Take notice that you can inspect the documents mentioned in your notice of the day of A.D. [*except the deed numbered in that notice*] at my office on Thursday next the instant, between the hours of 12 and 4 o'clock.

Or, that the [*plaintiff or defendant*] objects to giving you inspection of the documents mentioned in your notice of the day of A.D. , on the ground that [*state the ground*] :—

FORM 12.

Form of Notice to admit Documents.

In the High Court of Justice,
Division.

A.B. v. *C.D.*

Take notice that the plaintiff [*or defendant*] in this cause proposes to adduce in evidence the several documents hereunder specified, and that the same may be inspected by the defendant [*or plaintiff*], his solicitor or agent, at , on , between the hours of ; and the defendant [*or plaintiff*] is hereby required, within forty-eight hours from the last-mentioned hour, to admit that such of the said documents as are specified to be originals were respectively written, signed, or executed, as they purport respectively to have been; that such as are specified as copies are true copies; and such documents as are stated to have been served, sent, or delivered, were so served, sent, or delivered respectively; saving all just exceptions to the admissibility of all such documents as evidence in this cause.

Dated, &c.

To *E.F.*, solicitor [*or agent*] for defendant [*or plaintiff*].
G.H., solicitor [*or agent*] for plaintiff [*or defendant*].

[*Here describe the documents, the manner of doing which may be as follows:*—]

ORIGINALS.

Description of Documents.	Dates.
Deed of covenant between *A.B.* and *C.D.* first part, and *E.F.* second part - - - - -	January 1, 1848.
Indenture of lease from *A.B.* to *C.D.* - - -	February 1, 1848.
Indenture of release between *A.B.*, *C.D.* first part, &c. -	February 2, 1848.
Letter—defendant to plaintiff - - - -	March 1, 1848.
Policy of insurance on goods by ship "Isabella," on voyage from Oporto to London - - - - -	December 3, 1847.
Memorandum of agreement between *C.D.*, captain of said ship, and *E.F.* - - - - - -	January 1, 1848.
Bill of exchange for 100*l.* at three months, drawn by *A.B.* on and accepted by *C.D.*, indorsed by *E.F.* and *G.H.* - - - - - - - -	May 1, 1849.

COPIES.

Description of Documents.	Dates.	Original or Duplicate served, sent, or delivered, when, how, and by whom.
Register of baptism of *A.B.* in the parish of *X.*	January 1, 1848.	
Letter—plaintiff to defendant -	February 1, 1848	Sent by General Post, February 2, 1848.
Notice to produce papers - -	March 1, 1848 -	Served March 2, 1848, on defendant's attorney by *E.F.* of——
Record of a Judgment of the Court of Queen's Bench in an action, *J.S.* v. *J.N.*	Trinity Term, 10th Vic.	
Letters Patent of King Charles II. in the Rolls Chapel.	January 1, 1680.	

FORM 13.

Setting down Special Case.

1875. B. No.

In the High Court of Justice,
Division.
Between *A.B.*, Plaintiff,
and
C.D. and others, Defendants.

Set down for argument the special case filed in this action on the day of 187 .

X.Y., Solicitor for

FORM 14.

Form of Notice of Trial.

In the High Court of Justice,
Division.
A.B. v. *C.D.*

Take notice of trial of this action [*or of the issues in this action ordered to be tried*] by a Judge and jury [*or as the case may be*] in Middlesex, [*or as the case may be*] for the day of next.

X.Y., plaintiff's Solicitor [*or as the case may be*].

Dated

To *Z.*, defendant's Solicitor [*or as the case may be*].

FORM 15.

Form of Certificate of Officer after Trial by a Jury.

30th November 1876. 1876. No.

In the High Court of Justice,
Division.
Between *A.B.*, Plaintiff,
and
C.D., Defendant.

I certify that this action was tried before the Honourable Mr. Justice and a special jury of the county of on the 12th and 13th days of November 1876.

The jury found [*state findings*].

The Judge directed that judgment should be entered for the plaintiff for *l.* with costs of summons [*or as the case may be*].

A.B.,
[Title of Officer.]

FORM 16.

Affidavit of Scripts.

In the High Court of Justice,
Probate Division.
Between *A.B.* - - - - Plaintiff,
and
C.D. - - - - Defendant.

I, *A.B.* of , in the county of , party in this cause, make oath and say, that no paper or parchment writing, being or purporting to be or having the form or effect of a will or codicil or other testamentary disposition of *E.F.*, late of , in the county of , deceased, the deceased in this cause, or being or purporting to be instructions for, or the draft of, any will, codicil, or testamentary disposition of the said *E.F.*, has at any time, either before or since his death, come to the hands, possession, or knowledge of me, this deponent, or to the hands, possession, or knowledge of my solicitors in this suit, so far as is known to me, this deponent, save and except the true and original last will and testament of the said deceased now remaining in the principal registry of this Court [*or* hereunto annexed, *or as the case may be*], the said will bearing date the day of , 18 [*or as*

the case may be], also save and except [*here add the dates and particulars of any other testamentary papers of which the deponent has any knowledge*].

(Signed) *A.B.*

Sworn at on the day of , 18

Before me,

[*Person authorised to administer oaths under the Act.*]

APPENDIX (C.)

No. 1.

ACCOUNT STATED.

187 . B. No.

In the High Court of Justice,
Division.

Writ issued 3rd August 1875.

Between *A.B.* - - - - Plaintiff,

and

E.F. - - - - Defendant.

Statement of Claim.

Claim.

1. Between the 1st of January and the 28th of February 1875, the plaintiff supplied to the defendant various articles of drapery; and accounts and invoices of the goods so supplied, and their prices, were from time to time furnished to the defendant, and payments on account were from time to time made by the defendant.

2. On the 28th of February 1875, a balance remained due to the plaintiff of 75*l.* 9*s.*, and an account was on that day sent by the plaintiff to the defendant showing that balance.

3. On the 1st of March following, the plaintiff's collector saw the defendant at his house, and asked for payment of the said balance, and the defendant then paid him by cheque 25*l.* on account of the same. The residue of the said balance, amounting to 50*l.* 9*s.*, has never been paid.

The plaintiff claims £

The plaintiff proposes that this action should be tried in the county of Northampton.

No. 2.

ADMINISTRATION OF ESTATE.

[1876. B. No. 233.]

In the High Court of Justice,
Chancery Division.
[*Name of Judge.*]

Writ issued 22d December 1876.

In the matter of the estate of *A.B.*, deceased.

Between *E.F.* - - - - Plaintiff,

and

G.H. - - - - Defendant.

Statement of Claim.

Claim.

1. *A.B.* of *K.*, in the county of *L.*, died on the 1st of July 1875 intestate. The defendant *G.H.* is the administrator of *A.B.*

2. *A.B.* died entitled to lands in the said county for an estate of fee simple, and also to some other real estate and to personal estate. The defendant has entered possession of the real estate of *A.B.*, and received the rents thereof. The legal estate in such real estate is outstanding in mortgages under mortgages created by the intestate.

3. *A.B.* was never married; he had one brother only, who pre-deceased him without having been married, and two sisters only, both of whom also pre-deceased him, namely *M.N.* and *P.Q.* The plaintiff is the only child of *M.N.*, and the defendant is the only child of *P.Q.*

The plaintiff claims—

1. To have the real and personal estate of *A.B.* administered in this court, and for that purpose to have all proper directions given and accounts taken.

2. To have a receiver appointed of the rents of his real estate.
3. Such further or other relief as the nature of the case may require.

[1876. B. No. 233.]

In the High Court of Justice,
Chancery Division.
[*Name of Judge.*]

In the matter of the estate of *A.B.*, deceased.

Between *E.F.* - - - - - Plaintiff,
and
G.H. - - - - - Defendant.

Statement of Defence.

Defence.

1. The plaintiff is an illegitimate child of *M.N.* She was never married.
2. The intestate was not entitled to any real estate at his death, except a copyhold estate situate in the county of *R.*, and held of the manor of *S.* According to the custom of that manor, when the copyholder dies without issue, and without leaving a brother, or issue of a deceased brother, the copyhold descends to his elder sister and her issue in preference to his younger sister and her issue. *P.Q.* was older than *M.N.*
3. The personal estate of *A.B.* was not sufficient for the payment of his debts, and has all been applied in payment of his funeral and testamentary expenses, and part of his debts.

[1876. B. No. 233.]

In the High Court of Justice,
Chancery Division.
[*Name of Judge.*]

In the matter of the estate of *A.B.*, deceased.

Between *E.F.* - - - - - Plaintiff,
and
G.H. - - - - - Defendant.

Reply.

Reply.

The plaintiff joins issue with the defendant upon his defence.

No. 3.

[1876. B. No. 234.]

In the High Court of Justice,
Chancery Division.
[*Name of Judge.*]

Writ issued 22nd December 1876.

In the matter of the estate of *A.B.*, deceased.

Between *E.F.* - - - - - Plaintiff,
and
G.H. - - - - - Defendant.

Claim.

1. *A.B.* of *K.*, in the county of *L.*, duly made his last will, dated the 1st day of March 1873, whereby he appointed the defendant and *M.N.* (who died in the testator's lifetime) executors thereof, and devised and bequeathed his real and personal estate to and to the use of his executors in trust, to pay the rents and income thereof to the plaintiff for his life; and after his decease, and in default of his having a son who should attain 21, or a daughter who should attain that age, or marry, upon trust as to his real estate for the person who would be the testator's heir-at-law, and as to his personal estate for the persons who would be the testator's next of kin if he had died intestate at the time of the death of the plaintiff, and such failure of his issue as aforesaid.
2. The testator died on the 1st day of July 1873, and his will was proved by the defendant on the 4th of October 1873. The plaintiff has not been married.

3. The testator was at his death entitled to real and personal estate; the defendant entered into the receipt of the rents of the real estate and got in the personal estate; he has sold some part of the real estate.

The plaintiff claims—

1. To have the real and personal estate of *A.B.* administered in this court, and for that purpose to have all proper directions given and accounts taken.
2. Such further or other relief as the nature of the case may require.

[1876. B. No. 234.]

In the High Court of Justice,
Chancery Division.
[*Name of Judge.*]

In the matter of the estate of *A.B.*, deceased.

Between *E.F.* - - - - - Plaintiff,
and
G.H. - - - - - Defendant.

Statement of Defence.

Defence.

1. *A.B.*'s will contained a charge of debts; he died insolvent; he was entitled at his death to some real estate which the defendant sold, and which produced the net sum of 4,300*l.*, and the testator had some personal estate which the defendant got in and which produced the net sum of 1,204*l.* The defendant applied the whole of the said sums and the sum of 84*l.* which the defendant received from rents of the real estate in the payment of the funeral and testamentary expenses and some of the debts of the testator. The defendant made up his accounts and sent a copy thereof to the plaintiff on the 10th of January 1875, and offered the plaintiff free access to the vouchers to verify such accounts, but he declined to avail himself of the defendant's offer. The defendant submits that the plaintiff ought to pay the costs of this action.

[1876. B. No. 234.]

In the High Court of Justice,
Chancery Division.
[*Name of Judge.*]

In the matter of the estate of *A.B.*, deceased.

Between *E.F.* - - - - - Plaintiff,
and
G.H. - - - - - Defendant.

Reply.

Reply.

The plaintiff joins issue with the defendant upon his defence.

No. 4.

[1876. B. No. 235.]

In the High Court of Justice,
Chancery Division.
[*Name of Judge.*]

In the matter of the estate of *W.H.*, deceased.

Writ issued 22nd December 1876.

Between *A.B.* and *C.* his wife - - - Plaintiffs,
and
E.F. and *G.H.* - - - - Defendants.

Statement of Claim.

Claim.

1. W. H., of H., in the county of L., duly made his last will, dated the 19th day of March 1861, whereby he appointed the defendants the executors thereof, and bequeathed to them all his personal estate in trust, to call in, sell, and convert the same into money, and thereout to pay his debts and funeral and testamentary expenses, and to divide the ultimate surplus into

three shares, and to pay one of such three shares to each of his two children, T. H., and E., the wife of E. W., and to stand possessed of the remaining third share upon trust for the children of the testator's son J. H. in equal shares, to be divided among them when the youngest of such children should attain the age of 21 years. And the testator devised his real estates to the defendants upon trust until the youngest child of the said J. H. should attain the age of 21 years, to pay one third part of the rents thereof to the said T. H., and one other third part thereof to the said E. W., and to accumulate the remaining third part by way of compound interest, and so soon as the youngest child of the said J. H. should attain the age of 21 years, to sell the said real estates, and out of the proceeds of such sale to pay the sum of 1,000*l.* to the said T. H., and to invest one moiety of the residue in manner therein mentioned, and stand possessed thereof in trust to pay the income thereof to the said E., the wife of the said E. W., during her life for her separate use, and after her death for her children, the interests of such children being contingent on their attaining the age of 21 years, and to divide the other moiety of such proceeds of sale and the accumulations of the third share of rents therein-before directed to be accumulated among such of the children of the said J. H. as should be then living, and the issue of such of them as should be then dead, in equal shares per stirpes.

2. The testator died on the 25th day of April 1873, and his said will was proved by the defendants in the month of June 1873.

3. The testator died possessed of one third share in a leaschold colliery called the Paradise Colliery, and in the engines, machinery, stock in trade, book debts, and effects belonging thereto. He was also entitled to real estate, and other personal estate.

4. The testator left T. H. and E., the wife of E. W., him surviving. J. H. had died in the testator's lifetime, leaving four children, and no more. The plaintiff *C.B.* is the youngest of the children of J. H., and attained the age of 21 years on the 1st of June 1871. The other three children of J. H. died without issue in the lifetime of the testator.

5. E. W. has several children, but no child has attained the age of 21 years.

6. T. H. is the testator's heir-at-law.

7. The defendants have not called in, sold, and converted into money the whole of the testator's personal estate, but have allowed a considerable part thereof to remain outstanding; and in particular the defendants have not called in, sold, or converted into money the testator's interest in the said colliery, but have, from the death of the testator to the present time, continued to work the same in partnership with the other persons interested therein. The estate of the testator has sustained considerable loss by reason of such interest not having been called in, sold, or converted into money.

8. The defendants did not upon the death of the testator sell the testator's furniture, plate, linen, and china, but allowed the testator's widow to possess herself of a great part thereof, without accounting for the same, and the same has thereby been lost to the testator's estate.

9. The defendants have not invested the share of the testator's residuary personal estate given by his will to the children of the testator's son J. H., and have not accumulated one third of the rents and profits of his real estate as directed by the said will, but have mixed the same share and rents with their own moneys, and employed them in business on their own account.

10. The defendants have sold part of the real estates of the testator, but a considerable part thereof remains unsold.

11. A receiver ought to be appointed of the outstanding personal estate of the testator, and the rents and profits of his real estate remaining unsold.

The plaintiffs claim:—

1. That the estate of the said testator may be administered, and the trusts of his will carried into execution under the direction of the court.
2. That it may be declared that the defendants, by carrying on the business of the said colliery instead of realising the same, have

committed a breach of trust, and that the parties interested in the testator's estate are entitled to the value of the testator's interest in the said partnership property as it stood at the testator's death, with interest thereon, or at their election to the profits which have been made by the defendants in respect thereof since the testator's death, whichever shall be found most for their benefit.

3. That an account may be taken of the interest of the testator in the said colliery, and in the machinery, book debts, stock, and effects belonging thereto, according to the value thereof at the testator's death, and an account of all sums of money received by or by the order, or for the use of the defendants, or either of them, on account of the testator's interest in the said colliery, and that the defendants may be ordered to make good to the estate of the testator the loss arising from their not having realised the interest of the testator in the said colliery within a reasonable time after his decease.
4. That an account may be taken of all other personal estate of the testator come to the hands of the defendants, or either of them, or to the hands of any other person by their or either of their order, or for their or either of their use, or which, but for their wilful neglect or default, might have been so received; and an account of the rents and profits of the testator's real estate, and the moneys arising from the sale thereof, possessed or received by or by the order, or for the use of the defendants, or either of them.
5. That the real estate of the testator remaining unsold may be sold under the direction of the court.
6. That the defendants may be decreed, at the election of the parties interested in the testator's estate, either to pay interest at the rate of 5*l.* per cent. per annum upon such moneys belonging to the estate of the testator as they have improperly mixed with their own moneys and employed in business on their own account, and that half-yearly rests may be made in taking such account as respects all moneys which by the said will were directed to be accumulated, or to account for all profits by the employment in their business of the said trust money.
7. That a receiver may be appointed of the outstanding personal estate of the testator, and to receive the rents and profits of his real estate remaining unsold.
8. Such further or other relief as the nature of the case may require.

[1876. B. 235.]

In the High Court of Justice,
Chancery Division.
[*Name of Judge.*]
Between *A.B.* and *C.* his wife - - - Plaintiffs,
and
E.F. and *G.H.* - - - - Defendants.

Statement of Defence of the above-named Defendants.

1. Shortly after the decease of the testator, the defendants, as his executors, possessed themselves of and converted into money the testator's personal estate, except his share in the colliery mentioned in the plaintiffs statement of claim. The moneys so arising were applied in payment of part of the testator's debts and funeral and testamentary expenses, but such moneys were not sufficient for the payment thereof in full.

2. The Paradise colliery was, at the testator's decease, worked by him in partnership with J. Y., and W. Y., and T. Y., both since deceased. No written articles of partnership had been entered into, and for many years the testator had not taken any part in the management of the said colliery, but it was managed exclusively by the other partners, and the defendants did not know with certainty to what share therein the testator was entitled.

3. Upon the death of the testator, the defendants endeavoured to ascertain the value of the testator's share in the colliery, but the other partners refused to give them any information. The defendants thereupon had the

books of the colliery examined by a competent accountant, but they had been so carelessly kept that it was impossible to obtain from them any accurate information respecting the state of the concern; it was, however, ascertained that a considerable sum was due to the testator's estate.

4. Between the death of the testator and the beginning of the year 1874 the defendants made frequent applications to J. Y., W. Y., and T. Y. for a settlement of the accounts of the colliery. Such applications having proved fruitless, the defendants, in January 1874, filed their bill of complaint in the Court of Chancery against J. Y., W. Y., and T. Y., praying for an account of the partnership dealings between the testator and the defendants thereto, and that the partnership might be wound up under the direction of the Court.

5. The said T. Y. died in the year 1874, and the suit was revived against J. P. and T. S., his executors. The suit is still pending.

6. As to the Paradise colliery, the defendants have acted to the best of their judgment for the benefit of the testator's estate, and they deny being under any liability in respect of the said colliery not having been realised. They submit to act under the direction of the Court as to the further prosecution of the said suit and generally as to the realisation of the testator's interest in the said colliery.

7. With respect to the statements in the eighth paragraph of the statement of claim, the defendants say, that upon the death of the testator, they sold the whole of his furniture, linen, and china, and also all his plate, except a few silver teaspoons of very small value, which were taken possession of by his widow, and they applied the proceeds of such sale as part of the testator's personal estate, and they deny being under any liability in respect of such furniture, linen, china, and plate.

8. With respect to the statements in paragraph seven of the statement of claim, the defendants say that all moneys received by them, or either of them, on account of the testator's estate, were paid by them to their executorship account at the bank of Messrs. H. and Co., and until the sale of the testator's real estate took place as herein-after mentioned, the balance to their credit was never greater than was necessary for the administration of the trusts of the testator's will, and they therefore were unable to make any such investment or accumulation as directed by the testator's will. No moneys belonging to the testator's estate have ever been mixed with the moneys of the defendants, or either of them, nor has any money of the testator's been employed in business since the testator's decease, except that his share in the said colliery, for the reason herein-before appearing, has not been got in.

9. In 1874, after the plaintiff *C.B.* had attained her age of 21 years the defendants sold the real estate of the testator for sums amounting to 15,080*l.*, and no part thereof remains unsold. They received the purchase moneys in December 1874, and on the day of 1875 they paid such proceeds into Court to the credit of this action with the exception of 500*l.* retained on account of costs incurred and to be incurred by them.

In the High Court of Justice, Chancery Division. [1876. B. No. 235.]

[*Name of Judge.*]

Between *A.B.* and *C.* his wife - - - Plaintiffs,

and

E.F. and *G.H.* - - - - Defendants.

Reply.

The plaintiff joins issue with the defendants upon their defence.

No. 5.

In the High Court of Justice, 187 . B. No. AGENT.
Division.

Writ issued 3rd August 1875.

Between *A.B.* and Company - - - Plaintiffs,
and
E.F. and Company - - - Defendants.

Statement of Claim.

1. The plaintiffs are manufacturers of artificial manures, carrying on business at , in the county of . Claim.

2. The defendants are commission agents, carrying on business in London.

3. In the early part of the year , the plaintiffs commenced, and down to the 187 , continued to consign to the defendants, as their agents, large quantities of their manures for sale, and the defendants sold the same, and received the price thereof and accounted to the plaintiffs therefor.

4. No express agreement has ever been entered into between the plaintiffs and the defendants with respect to the terms of the defendants employment as agents. The defendants have always charged the plaintiffs a commission at per cent. on all sales effected by them, which is the rate of commission ordinarily charged by del credere agents in the said trade. And the defendants in fact, always accounted to the plaintiffs for the price, whether they received the same from the purchasers or not.

5. The plaintiffs contend that the defendants are liable to them as del credere agents, but if not so liable are under the circumstances herein-after mentioned liable as ordinary agents.

6. On the , the plaintiffs consigned to the defendants for sale a large quantity of goods, including tons of .

7. On or about the , the defendants sold tons of part of such goods to one *G.H.* for *l.*, at three months credit, and delivered the same to him.

8. *G.H.* was not, at that time, in good credit and was in insolvent circumstances, and the defendants might, by ordinary care and diligence, have ascertained the fact.

9. *G.H.* did not pay for the said goods, but before the expiration of the said three months for which credit had been given was adjudicated a bankrupt, and the plaintiffs have never received the said sum of *l.* or any part thereof.

The plaintiffs claim :—

1. Damages to the amount of *l.*
2. Such further or other relief as the nature of the case may require.

The plaintiffs propose that this action should be tried in the county of .

[Title as in claim, omitting date of issue of writ.]

Statement of Defence.

1. The defendants deny that the said commission of per cent. mentioned in paragraph 4 of the claim is the rate of commission ordinarily charged by del credere agents in the said trade; and say that the same is the ordinary commission for agents other than del credere agents, and they deny that they ever accounted to the plaintiffs for the price of any goods, except after they had received the same from the purchasers. Defence.

2. The defendants deny that they were ever liable to the plaintiffs as del credere agents.

3. With respect to the eighth paragraph of the plaintiffs statement of claim, the defendants say that at the time of the said sale to the said *G.H.*, the said *G.H.* was a person in good credit. If it be true that the said *G.H.* was then in insolvent circumstances (which the defendants do not admit), the defendants did not and had no reason to suspect the same, and could not by ordinary care or diligence have ascertained the fact.

[Title as in defence.]

Reply.

Reply. The plaintiffs join issue upon the defendants statement of defence.

No. 6.

BILL OF EXCHANGE. 187 . B. No.

In the High Court of Justice,
Division.

Writ issued 3d August 1876.

Between *A.B.* and *C.D.* - - - Plaintiffs,
and
E.F. and *G.H.* - - - Defendants.

Statement of Claim.

Claim. 1. Messrs. *M.N. & Co.* on the day of drew a bill of exchange upon the defendants for *l.* payable to the order of the said Messrs. *M.N. & Co.* three months after date, and the defendants accepted the same.

2. Messrs. *M.N. & Co.* indorsed the bill to the plaintiffs.

3. The bill became due on the , and the defendant has not paid it.

The plaintiffs claim :—

[Title.]

Statement of Defence.

Defence. 1. The bill of exchange mentioned in the statement of claim was drawn and accepted under the circumstances herein-after stated, and except as herein-after mentioned there never was any consideration for the acceptance or payment thereof by the defendants.

2. Shortly before the acceptance of the said bill it was agreed between the said Messrs. *M.N. & Co.*, the drawers thereof, and the defendants, that the said Messrs. *M.N. & Co.* should sell and deliver to the defendants free on board ship at the port of 1,200 tons of coals during the month of , and that the defendants should pay for the same by accepting the said Messrs. *M.N. & Co.*'s draft for *l.* at six months.

3. The said Messrs. *M.N. & Co.* accordingly drew upon the defendants, and the defendants accepted the bill of exchange now sued upon.

4. The defendants did all things which were necessary to entitle them to delivery by the said Messrs. *M.N. & Co.* of the said 1,200 tons of coals under their said contract, and the time for delivery has long since elapsed; but the said Messrs. *M.N. & Co.* never delivered the same, or any part thereof, but have always refused to do so, whereby the consideration for the defendants acceptance has wholly failed.

5. The plaintiffs first received the said bill, and it was first indorsed to them after it was overdue.

6. The plaintiffs never gave any value or consideration for the said bill.

7. The plaintiffs took the said bill with notice of the facts stated in the second, third, and fourth paragraphs hereof.

[Title.]

Reply.

Reply. 1. The plaintiff joins issue upon the defendants statement of defence.

2. The plaintiff gave value and consideration for the said bill in manner following, that is to say, on the day of 187 , the said Messrs. *M.N. & Co.* were indebted to the plaintiff in about *l.*, the balance of an account for goods sold from time to time by him to them.

On that day they ordered of the plaintiff further goods to the value of about *l.*, which last-mentioned goods have since been delivered by him to them. And at the time of the order for such last-mentioned goods it was agreed between Messrs. *M.N. & Co.* and the plaintiff, and the order was received upon the terms, that they should indorse and hand over to him the bill of exchange sued upon, together with various other securities on

account of the said previous balance, and the price of the goods so ordered on that day. The said securities, including the bill sued upon, were thereupon on the same day indorsed and handed over to the plaintiff.

No. 7.

BILL OF EXCHANGE AND CONSIDERATION.

In the High Court of Justice, 187 . B. No.
Division.
Writ issued 3rd August 1876.

Between *A.B.* and *C.D.* - - - Plaintiffs,
and
E.F. and *G.H.* - - - Defendants.

Statement of Claim.

Claim.

1. The plaintiffs are merchants, factors, and commission agents, carrying on business in London.

2. The defendants are merchants and commission agents, carrying on business at Hong Kong.

3. For several years prior to the 1875, the plaintiffs had been in the habit of consigning goods to the defendants for sale, as their agents, and the defendants had been in the habit of consigning goods to the plaintiffs for sale, as their agents; and each party always received the price of the goods sold by him for the other; and a balance was from time to time struck between the parties, and paid.

On the of , the moneys so received by the defendants for the plaintiffs, and remaining in their names, largely exceeded the moneys received by the plaintiffs for the defendants, and a balance of *l.* was accordingly due to the plaintiffs from the defendants.

4. On or about the 1875, the plaintiffs sent to the defendants a statement of the accounts between them, showing the said sum as the balance due to the plaintiffs from the defendants; and the defendants agreed to the said statement of accounts as correct, and to the said sum of *l.* as the balance due by them to the plaintiffs, and agreed to pay interest on such balance if time were given to them.

5. The defendants requested the plaintiffs to give them three months time for payment of the said sum of *l.*, and the plaintiffs agreed to do so upon the defendants accepting the bills of exchange herein-after mentioned.

6. The plaintiffs thereupon on the drew two bills of exchange upon the defendants, one for *l.* and the other for *l.*, both payable to the order of the plaintiffs three months after date, and the defendants accepted the bills.

The said bills became due on the 187 , and the defendants have not paid the bills, or either of them, nor the said sum of *l.*

The plaintiffs claim:—

l. and interest to the date of judgment.

The plaintiffs propose that the action should be tried in London.

No. 8.

In the High Court of Justice, 187 . B. No.
Division.
Writ issued [ ].
[THE "IDA."]*

Between *A.B.* and *C.D.* - - - - Plaintiffs,
and
E.F. and *G.H.* - - - - Defendants.

Statement of Claim.

[1. The "Ida" is a vessel of which no owner or part owner was, at the time of the institution of this cause, domiciled in England or Wales.]†

* In Admiralty action insert name of ship.
† A statement to this effect may be inserted if the action be under sect. 6 of the Admiralty Act, 1861.

Claim.

2. In the month of February 1873, Messrs. L. and Company, of Alexandria, caused to be shipped 6,110 ardebs of cotton seed on board the said vessel, then lying in Port Said (Egypt), and the then master of the vessel received the same, to be carried from Port Said to Hull, upon the terms of three bills of lading, signed by the master, and delivered to Messrs. L. and Company.

3. The three bills of lading, being in form exactly similar to one another, were and are, so far as is material to the present case, in the words, letters, and figures following, that is to say:—

"Shipped in good order and well conditioned by L. & Co. Alexandria "(Egypt) in and upon the good ship called the 'Ida,' whereof is "master for the present voyage Ambrozio Chiapella, and now riding "at anchor in the port of Port Said (Egypt) and bound for Hull, "six thousand one hundred and ten ardebs cotton seed being marked "and numbered as in the margin, and are to be delivered in the like "good order and well-conditioned at the aforesaid Port of Hull (the "act of God, the Queen's enemies, fire and all and every other "dangers and accidents of the seas, rivers, and navigation of whatever "nature and kind soever, save risk of boats so far as ships are liable "thereto excepted), unto order or to assigns paying freight for the "said goods at the rate of (19*s.*) say nineteen shillings sterling in full "per ton of 20 cwt. delivered with £10 gratuity. Other conditions "as per charter-party, dated London, 4th October 1872, with primage "and average accustomed. In witness whereof the master or purser "of the said ship hath affirmed to three bills of lading all of this "tenor and date, the one of which three bills being accomplished "the other two to stand void. Dated in Port Said (Egypt) "6th February 1873. 100 dunnage mats. Fifteen working days "remain for discharging."

4. The persons constituting the firm of Messrs. L. and Company are identical with the members of the plaintiffs firm.

5. The vessel sailed on her voyage to Hull, and duly arrived there on or about the 7th day of May 1873.

6. The cotton seed was delivered to the plaintiffs but not in as good order and condition as it was in when shipped at Port Said; but was delivered to the plaintiffs greatly damaged.

7. The deterioration of the cotton seed was not occasioned by any of the perils or causes in the bills of lading excepted.

8. By reason of the premises the plaintiffs lost a great part of the value of the said cotton seed, and were put to great expense in and about keeping, warehousing, and improving the condition of the said cotton seed, and in and about having the same surveyed.

The plaintiffs claim the following relief:—

1. *l.* for damages, [*and the condemnation of the said vessel and the defendant and his bail in the same]:

2. Such further relief as the nature of the case requires.

[Title.]

Defence.

Defence.

Statement of:—

1. They deny the truth of the allegations contained in the sixth, seventh, and eighth articles of the said petition.

2. The deterioration, if any, to the cotton seed was occasioned by the character and quality of the cotton seed when shipped on board the "Ida," and by the inherent qualities of the cotton seed, and by shipping water in a severe storm which occurred on the day of in latitude during the voyage, or by some or one of such causes.

[Title.]

Reply.

Reply.

The plaintiffs join issue upon the statement of defence.

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* This may be inserted if the action be an Admiralty action in rem.

No. 9.

In the High Court of Justice, Admiralty Division. 187 . B. No. BOTTOMRY.

Writ issued [ ].

THE "ONWARD."

Between *A.B.* and *C.D.* - - - - Plaintiffs,

and

E.F. and *G.H.* - - - - Defendants.

Statement of Claim.

Claim.

1. The "Onward," a ship of 933 tons register, or thereabouts, belonging to the United States of America, whilst on a voyage from Moulmein to Queenstown or Falmouth, for orders, and from thence to a port of discharge in the United Kingdom or on the Continent, between Bordeaux and Hamburg, both ports inclusive, laden with a cargo of teak timber, was compelled to put into Port Louis, in the island of Mauritius, in order to repair and refit.

2. The master of the "Onward," being without funds or credit at Port Louis, and being unable to pay the expense of the said repairs, and the necessary disbursements of the said ship at Port Louis, so as to enable the said ship to resume and prosecute her voyage, and after having communicated with his owners and with the owners and consignees of the cargo was compelled to resort to a loan of 24,369 dollars on bottomry of the said ship, her cargo and freight, for the purpose of enabling him to pay the said expenses and disbursements, which sum Messrs. H. and Company, of Port Louis, at the request of the master by public advertisement, advanced to the said master at and after the rate of 128 dollars for every 100 dollars advanced, and accordingly the said master, by a bond of bottomry, dated the 13th of October 1870, by him duly executed in consideration of the sum of 24,369 dollars, Mauritius currency, paid to him by the said Messrs. H. and Company, bound himself and the said ship and her cargo, namely, about 940 tons of teak timber, and her freight, to pay unto Messrs. H. and Company, their assigns, or order or indorsees, the said sum of 24,369 dollars with the aforesaid maritime premium thereon, within twenty days next after the arrival of the "Onward" at her port of discharge, from the said intended voyage, the said payment to be made both in capital and interest in British sterling money, at and after the rate of 4*s.* for every dollar, with a condition, that in case the said ship and cargo should be lost, during her voyage from Port Louis to Queenstown or Falmouth, for orders, and thence to her port of discharge in the United Kingdom or on the Continent between Bordeaux and Hamburg, both ports inclusive, then, that the said sum of 24,369 dollars, and maritime premium thereon, should not be recoverable.

3. The "Onward" subsequently proceeded on her voyage, and on the 7th of February 1871, arrived with her cargo on board at the port of Liverpool, which was her port of discharge.

4. The bond was duly indorsed and assigned to the plaintiffs.

5. The ship has been sold by order of the Court, and the proceeds of the sale thereof have been brought into Court, and the freight has also been paid into Court.

6. The said sum of 24,369 dollars, with the maritime premium thereon, still remain due to the plaintiffs. By a decree made on the 10th of May 1871, the Court pronounced for the validity of the bond, so far as regarded the ship and freight, and condemned the proceeds of the ship and freight in the amount due on the bond. The principal and premium still remain owing to the plaintiffs, and the proceeds of the said ship and her freight available for payment thereof are insufficient for such payment.

The plaintiffs claim :—

1. That the Court pronounce for the validity of the bond so far as regards the cargo :

2. That the Court condemn the defendants and their bail in so much of the amount due to the plaintiffs on the bond, for principal, maritime premium, and for interest from the time when such principal and premium ought to have been paid, as the proceeds

of the ship and freight available for payment of the bond shall be insufficient to satisfy, and in costs:

3. Such further relief as the nature of the case requires.

[Title.]

Defence.

Defence.

The defendants say that the—

1. Several averments in the second article of the statement contained are respectively untrue, except the averment that the bottomry bond therein mentioned was given and executed.

3. The "Onward" proceeded on the voyage in the first paragraph of the claim mentioned, under a charter-party made between the defendants and the owners of the vessel, who resided at New York. And the cargo in the said paragraph mentioned belonged to the defendants, and was shipped at Moulmein, by Messieurs T., F., and Company, of Moulmein, consigned to the defendants.

4. When the "Onward" put into Port Louis, the master placed his ship in the hands of Messieurs H. and Company, the persons in the second paragraph of the claim mentioned, and the repairs and disbursements in the said second article mentioned were made, directed, and expended under the orders, management, and on the credit of said Messieurs H. and Company, who at the outset contemplated the necessity of securing themselves by the hypothecation of the ship, freight, and cargo.

5. The master of the "Onward" and Messrs. H. and Company did not communicate to the said shippers of the cargo, or to the defendants who carried on business at Glasgow, as the master knew the intention of hypothecating the ship, freight, and cargo, or the circumstances which might render such hypothecation advisable or necessary, but on the contrary, without reasonable cause or excuse, abstained from so doing, although the comparatively small value of the ship and freight to be earned, rendered it all the more important that such communication should have been made.

6. A reasonable and proper time was not allowed to elapse between the advertisements for the bottomry loan, and the acceptance of Messieurs H. and Company's offer to make such loan.

[Title.]

Reply.

Reply.

1. The plaintiffs say that the defendants, since the 31st day of December 1868, have been the only persons forming the firm of T., F., and Co., of Moulmein, mentioned in the third paragraph of the defence.

2. After the master of the "Onward" put into Port Louis as aforesaid, he employed Messieurs H. and Company, in the claim mentioned, as his agents, and by his directions they by letter communicated to the defendants firms at Moulmein and Glasgow the circumstances of the ship's distress, and the estimated amount of her repairs.

3. The said Messieurs H. and Company shortly after the said ship was put into their hands at Port Louis, offered the said master, in case he should require them to do so, to make the necessary advances for the ship's repairs, and to take his draft at 90 days sight on Messrs. B. Brothers, of London, at the rate of 5 per cent. discount for the amount of the advances, together with a bottomry bond on ship, cargo, and freight as collateral security, the bond to be void should the draft be accepted. The said master, and the said Messieurs H. and Company, by letter, communicated to the owners of the "Onward" the circumstances of the said ship's distress, and the aforesaid offer of the said Messrs. H. and Company, and the said master by his letter requested the said owners to give him their directions on the subject. The said owners shortly after receiving such letters, by letter communicated with the defendants at Glasgow, and forwarded to them copies of the said lastly-mentioned letters of the said master, and of the said Messrs. H. and Co.

4. The defendants houses at Moulmein and Glasgow respectively received the letters referred to in the second paragraph of this reply in time to have

communicated with the said master at Port Louis before the giving of the said bottomry bond.

5. The defendants received the said copies of letters referred to in paragraph 4 of this reply, in time for them to have communicated thereon with the said master at Port Louis before the giving of the said bond.

6. The defendants did not at any time answer the said communications of the said Messrs. H. and Company, or in any way communicate or attempt to communicate with the said master, or to direct him not to give, or to prevent him from giving the said bottomry bond on the said cargo.

7. The said bond was duly advertised for sale, and was subsequently, and after a proper interval had elapsed, sold by auction in the usual way. There were several bidders at the sale, and the said Messrs. H. and Company were the lowest bidders in premium, and the said bond was knocked down to them. The said bond was not advertised for until the said ship was ready for sea, and up to that time the master of the said ship had expected to hear from her owners, and had hoped to be put in funds, and had not finally determined to resort to bottomry of the said ship, or her cargo or freight.

8. Save as herein appears the plaintiffs deny the truth of the several allegations contained in the said answer.

[NOTE.—The facts stated in this reply should, in general, be introduced by amendment into the statement of claim.].

[Title.]

Rejoinder.

Rejoinder.

The defendants join issue upon the plaintiffs reply.

No. 10.

CHARTER-PARTY.

187 . B. No.

In the High Court of Justice,
Division.

Writ issued 3rd August 1876.

Between *A.B.* and *C.D.* - - - - Plaintiffs,
and
E.F. and *G.H.* - - - Defendants.

Statement of Claim.

Claim.

1. The plaintiffs were, on the 1st August 1874, the owners of the steamship "British Queen."

2. On the 1st August 1874, the ship being then in Calcutta, a charter-party was there entered into between John Smith, the master, on behalf of himself and the owners of the said ship, of the one part, and the defendants of the other part.

3. By the said charter-party it was agreed, amongst other things, that the defendants should be entitled to the whole carrying power of the said steamship for the period of four months certain, commencing from the said 1st August 1874, upon a voyage or voyages between Calcutta and Mauritius and back; that the defendants should pay for such use of the said steamship to the plaintiffs agents at Calcutta, monthly, the sum of 1,000*l.*; that the charter should terminate at Calcutta; and that if at the expiration of the said period of four months the said steamship should be upon a voyage, then the defendants should pay pro ratâ for the hire of the ship up to her arrival at Calcutta, and the complete discharge of her cargo there.

4. The "British Queen" made several voyages in pursuance of the said charter-party, and the first three monthly sums of 1,000*l.* each were duly paid.

5. The period of four months expired on the 1st December 1874, and at that time the steamship was on a voyage from Mauritius to Calcutta. She arrived at Calcutta on the 13th December, and the discharge of her cargo there was completed on the 16th December 1874.

6. The plaintiffs agents at Calcutta called upon the defendants to pay to them the fourth monthly sum of 1,000*l.*, and a sum of 500*l.* for the hire of the steamship from the 1st to the 16th December 1874, but the defendants have not paid any part of the said sums.

The plaintiffs claim—

The sum of 1,500*l.*, and interest upon 1,000*l.*, part thereof, from the 1st December 1874, until judgment.

The plaintiffs propose that this action should be tried in London.

[Title.]

Statement of Defence.

Defence.

1. By the charter-party sued upon it was expressly provided that if any accident should happen to, or any repairs should become necessary to the engines or boilers of the said steamship, the time occupied in repairs should be deducted from the period of the said charter, and a proportionate reduction in the charter money should be made.

2. On the repairs became necessary to the engines and boilers of the steamship, and ten days were occupied in effecting such repairs.

3. On the an accident happened to the engines of the steamship at Mauritius, and two days were occupied in effecting the repairs necessary in consequence thereof.

4. The defendants are therefore entitled to a reduction in the charter money of 400*l.*

Counter-claim.

By way of set-off and counter-claim the defendants claim as follows:—

5. By the charter-party it was expressly provided that the charterers should furnish funds for the steamship's necessary disbursements, except in the port of Calcutta, without any commission or interest on any sum so advanced.

6. The defendants paid for the necessary disbursements of the ship in the port of Mauritius between the and the 1874, sums amounting in all to 625*l.* 14*s.* 6*d.*

7. The charter-party also contained an express warranty that the steamship was at the date thereof capable of steaming nine knots an hour on a consumption of 30 tons of coal a day, and it was further provided by the charter-party that the charterers should provide coal for the use of the said steamship.

8. The steamship was at the date of the charter-party only capable of steaming less than eight knots to an hour, and that only on a consumption of more than 35 tons of coal a day.

9. In consequence of the matters mentioned in the last paragraph, the steamship finally arrived at Calcutta at least 15 days later, and remained under charter at least 15 days longer than she would otherwise have done. She was also during the whole period of the said charter at sea for a much larger number of days than she would otherwise have been, and consumed a much larger quantity of coal on each of such days than she would otherwise have done, whereby the defendants were obliged to provide for the use of the steamship much larger quantities of coal than they would otherwise have been.

The defendants claim—

l. damages in respect of the matters stated in this set-off and counter-claim.

[Title.]

Reply.

Reply.

1. The plaintiff joins issue upon the second, third, and fourth paragraphs of the defendant's statement of defence.

2. With respect to the alleged set-off stated in paragraph 6 the plaintiff does not admit the correctness of the amount therein stated. And all sums advanced by them for disbursements were paid or allowed to them by the plaintiffs by deducting the amount thereof from the third monthly sum of 1,000*l.* paid (subject to such deduction) to the plaintiffs agents at Calcutta by the defendant on or about the 12th November 1874.

3. With respect to the alleged breach of warranty and the alleged damages therefrom stated in the 7th, 8th, and 9th paragraphs, the plaintiffs

say that the steamship was at the date of the charter-party capable of steaming nine knots an hour on a consumption of 30 tons of coal a day. If the steamship did not, during the said charter, steam more than eight knots an hour, and that on a consumption of more than 35 tons a day, as alleged (which the plaintiffs do not admit), it was in consequence of the bad and unfit quality of the coals provided by the defendants for the ship's use.

[Title.]

Joinder of issue.

Rejoinder.

The defendants join issue upon the plaintiffs reply to their set-off and counter-claim.

No. 11.

COLLISION.

187 . B. No.

In the High Court of Justice,
Admiralty Division.

Writ issued [ ].

THE "AMERICAN."

Between *A.B.* and *C.D.* - - - - Plaintiffs,
and
E.F. and *G.H.* - - - - Defendants.

Statement of Claim.

Claim.

1. Shortly before 8 a.m. on the 9th of December 1874, the brigantine "Katie," of 194 tons register, of which the plaintiffs were owners, manned by a crew of eight hands all told, whilst on a voyage from Dublin to St. John's, Newfoundland, in ballast, was in latitude about 46° N., and longitude 40° 42′ W., by account.

2. The wind at such time was about W. by S., a strong breeze, and the weather was clear, and the "Katie" was under double-reefed mainsail, reefed mainstaysail, middle staysail, lower topsail, reefed fore staysail, and jib, sailing full and by on the port tack, heading about N.W. ½ N., and proceeding at the rate of about five knots and a half per hour.

3. At such time a steamship under steam and sail, which proved to be the screw steamship "American," was seen at the distance of three or four miles from the "Katie," broad on her port bow, and steering about E. or E. by S. The master of the "Katie" not having been able to take observations for several days, and her chronometer having run down, and the said master wishing to exchange longitudes with the "American," caused an ensign to be hoisted, and marked his longitude by account on a board which he exhibited over the port side. The "Katie" was kept full and by, and the "American" approached rapidly, and attempted to pass ahead of the "Katie," and caused immediate danger of collision, and although thereupon the helm of the "Katie" was put hard a-port and her mainsheet let go, the "American" with her stem struck the "Katie" on her port side, almost amidships, cutting her nearly in two, and the "Katie" sank almost immediately, her crew being saved by the steamer.

4. The "American" improperly neglected to keep clear of the "Katie."

5. The "American" improperly attempted to pass ahead of the "Katie."

6. The "American" improperly neglected to ease her engines, and improperly neglected to stop and reverse her engines in due time.

The plaintiff claims :—

1. That it may be declared that the plaintiffs are entitled to the damage proceeded for :
2. That the bail given by the defendants be condemned in such damage, and in costs :
3. That the accounts and vouchers relating to such damage be referred to the Registrar assisted by merchants to report the amount thereof :
4. Such further and other relief as the nature of the case may require.

[Title.]

Statement of Defence.

Defence. The defendants say as follows :—

1. The "American" is a screw steamship, of 1,368 tons register, with engines of 200-horse power nominal, belonging to the port of Liverpool, and at the time of the occurrences herein-after mentioned was manned by a crew of 40 hands all told, laden with a cargo of general merchandise, and bound from Port-au-Prince in the West Indies to Liverpool.

2. About 8.5 a.m. on the 28th of November 1874, the "American" was in latitude 46° N., longitude 38° 16′ W., steering E. by S. true magnetic, making under all sail and steam about 12 knots an hour, the wind being about S.W. by S. true magnetic, blowing a strong breeze and the weather hazy, when a vessel, which afterwards proved to be the brigantine "Katie," was observed on the "American's" starboard bow about four miles distant, bearing about S.E. by E. true magnetic, close-hauled to the wind, and steering a course nearly parallel to that of the "American."

3. The "American" kept her course, and when the "Katie" was about three miles distant her ensign was observed by those on board the "American" run up to the main, and she was seen to have altered her course, and to be bearing down towards the "American" The "American's" ensign was afterwards run up, and her master, supposing that the "Katie" wanted to correct her longitude, or to speak the "American," continued on his course expecting that the "Katie," when she had got sufficiently close to speak or show her black board over her starboard side, would luff to the wind, and pass to windward of the "American."

4. The master of the "American" watched the "Katie" as she continued to approach the "American," and when she had approached as near as he deemed it prudent for her to come, he waved to her to luff, and shortly afterwards, on his observing her to be attempting to cross the bows of the "American," the helm of the latter was immediately put to starboard, and engines stopped and reversed full speed; but notwithstanding, the "American" with her stem came into collision with the port side of the "Katie," a little forward of the main rigging.

5. The "American's" engines were then stopped, and when the crew of the "Katie" had got on board of the "American," the latter's engines were reversed to get her clear of the "Katie," which sunk under the "American's" bows.

6. The "Katie" improperly approached too close to the "American."

7. Those on board the "Katie" improperly neglected to luff, and to pass to windward of the "American."

8. Those on board the "Katie" improperly attempted to cross the bows of the "American."

9. Those on board the "Katie" improperly ported her helm before the said collision.

10. Those on board the "Katie" improperly neglected to starboard her helm before the said collision.

[Title.]

Reply.

Reply. The plaintiffs join issue upon the defendants statement of defence.

No. 12.

EQUIPMENT OF SHIP. In the High Court of Justice, 187 : B. No.
Admiralty Division.
Writ issued [ ].

THE "TWO ELLENS."

Between *A.B.* and *C.D.* - - - Plaintiffs,
and
E.F. - - - - Defendant.

Statement of Claim.

Claim. 1. The said vessel was and is a British Colonial vessel, belonging to the Port of Digby, in Nova Scotia, of which no owner or part owner was at the

time of the commencement of this action or is domiciled in England or Wales.

2. At the time of the commencement of this action the said vessel was under arrest of this Court.

3. About the month of February 1868 the said vessel was lying in the Port of London, in need of repairs, and of being equipped and supplied with certain other necessaries.

4. By the order of Messrs. K. L., who were duly authorised, the plaintiffs equipped and repaired the said vessel as she needed, and provided the vessel with necessaries, and there is now due to the plaintiffs for such necessary repairing and equipping, and other necessaries, the sum of 305*l.* 3*s.*, together with interest thereon from the 19th day of February 1868.

The plaintiffs claim:—

1. Judgment for the said sum of 305*l.* 3*s.*, with such interest thereon as aforesaid until judgment:
2. The condemnation of the ship and the defendant and his bail therein and in the costs of this suit:
3. Such further relief as the nature of the case requires.

[Title.]

Statement of Defence.

Defence.

1. By an instrument of mortgage, in the form and recorded as prescribed by the Merchant Shipping Act, 1854, bearing date the 9th of March 1867, and executed by C. M., blacksmith, D. F., master mariner, and W. H., farmer, all of Weymouth, in the county of Digby, in Nova Scotia, the registered owners of 64/64ths parts or shares in the vessel, the said C. M., D. F., and W. H. mortgaged 64/64ths parts or shares in the vessel, of which the said D. F. was also master, to G. T., of Nova Scotia, in consideration of the sum of 5,000 dollars advanced by him to the said owners, and for the purpose of securing the repayment by them to him of the said sum with interest thereon.

2. By an instrument of transfer, dated the 16th of July 1868, in the form prescribed by the said Act, and executed by G. T., in consideration of the sum of 5,000 dollars to G. T. paid by the defendant, G. T. transferred to the defendant the mortgage security.

3. The said sum of 5,000 dollars, with interest thereon, still remains due on the said security.

4. The vessel was not under the arrest of this Court at the time of the commencement of this action.

5. The vessel did not need to be equipped or repaired as in the fourth paragraph of the plaintiffs claim mentioned, and she did not at the time of the supply of the articles referred to in the said fourth paragraph as "necessaries" stand in need of such articles. On the contrary, the said vessel could have gone to sea and proceeded on and prosecuted her voyage without such equipments, repairs, and articles referred to as aforesaid, and such equipments, repairs, and other articles were done and effected and supplied for the purpose of reclassing the said vessel, and not for any other purpose; and the claim of the plaintiffs is not a claim for necessaries within the meaning of the Admiralty Court Act, 1861, s. 5.

6. The alleged necessaries were not supplied on the credit of the said vessel, but upon the personal credit of J. B., who was the broker for the vessel, and upon the agreement that the plaintiffs were not to have recourse to the vessel.

7. The defendant did not, nor did G. T., in any way order, authorise, or become liable for, and neither of them is in any way liable in respect of the said alleged supplies or any part thereof, and the said vessel was at the time of the commencement of this action and she still is of a less value than the amount which, irrespective of the sums referred to in the next article of this answer, is due to the defendant on the said mortgage security.

8. The defendant, in order to save the vessel from being sold by this Court at the instance of certain of her mariners having liens on the said

vessel for their wages, has been compelled to pay the said wages, and he claims, if necessary, to be entitled to stand in the place of such mariners, or to add the amounts so paid by him for wages to the amount secured by the said mortgage, and to have priority in respect thereof over the claim of the plaintiffs.

[Title.]

Reply.

Reply.

1. The plaintiffs admit that 64/64th shares in the said ship the "Two Ellens" were on or about the 9th day of March 1867, mortgaged by the said C. M., D. F., and W. H., all of Weymouth, in the county of Digby, Nova Scotia, to the said G. T.

2. Save as afore-mentioned, all the several averments in the said Answer contained are respectively untrue.

3. If there was or is any such instrument of transfer as is mentioned in the second article of the said Answer, the same has never been registered according to the provisions of the Merchant Shipping Act, 1854.

4. The said G. T. has never been domiciled in or resided in the United Kingdom, and is now resident in Nova Scotia, and the registered owners of the said vessel in the first paragraph of the said Defence mentioned were always and are domiciled in Nova Scotia, and resident out of the United Kingdom.

[Title.]

Rejoinder.

Rejoinder.

The defendant joins issue upon the third and fourth paragraphs of the Reply.

No. 13.

187 . B. No.

FALSE IMPRISONMENT.

In the High Court of Justice,
Division.

Writ issued 3rd August 1876.

Between *A.B.* - - - - - Plaintiff,
and
E.F. - - - - - Defendant.

Statement of Claim.

Claim.

1. The plaintiff is a journeyman painter. The defendant is a builder having his building yard, and carrying on business at
and for six months before and up to the 22nd August 187 the plaintiff was in the defendant's employment as a journeyman painter.

2. On the said 22nd August 187 , the plaintiff came to work as usual in the defendant's yard, at about six o'clock in the morning.

3. A few minutes after the plaintiff had so come to work the defendant's foreman *X.Y.*, who was then in the yard, called the plaintiff to him, and accused the plaintiff of having on the previous day stolen a quantity of paint, the property of the defendant, from the yard. The plaintiff denied the charge, but *X.Y.* gave the plaintiff into the custody of a constable, whom he had previously sent for, upon a charge of stealing paint.

4. The defendant was present at the time when the plaintiff was given into custody, and authorised and assented to his being so given into custody; and in any case *X.Y.*, in giving him into custody, was acting within the scope and in the course of his employment as the defendant's foreman, and for the purposes of the defendant's business.

5. The plaintiff upon being so given into custody, was taken by the said constable a considerable distance through various streets, on foot, to the police station, and he was there detained in a cell till late in the same afternoon, when he was taken to the police court, and the charge against him was heard before the magistrate then sitting there, and was dismissed.

6. In consequence of being so given into custody, the plaintiff suffered annoyance and disgrace, and loss of time and wages, and loss of credit and reputation, and was thereby unable to obtain any employment or earn any wages for three months.

The plaintiff claims *l.* damages.

The plaintiff proposes that this action should be tried in Middlesex.

[Title.]

Statement of Defence.

Defence.

1. The defendant denies that he was present at the time when the plaintiff was given into custody, or that he in any way authorised or assented to his being given into custody. And the said *X.Y.*, in giving the plaintiff into custody, did not act within the scope or in the course of his employment as the defendant's foreman, or for the purposes of the defendant's business.

2. At some time about five or six o'clock on the being the evening before the plaintiff was given into custody, a large quantity of paint had been feloniously stolen by some person or persons from a shed upon the defendant's yard and premises.

3. At about 5.30 o'clock on the evening of the the plaintiff, who had left off work about half an hour previously, was seen coming out of the shed when no one else was in it, although his work lay in a distant part of the yard from and he had no business in or near the shed. He was then seen to go to the back of a stack of timber in another part of the yard. Shortly afterwards the paint was found to have been stolen, and it was found concealed at the back of the stack of timber behind which the plaintiff had been seen to go.

4. On the following morning, before the plaintiff was given into custody, he was asked by *X.Y.* what he had been in the shed and behind the stack of timber for, and he denied having been in either place. *X.Y.* had reasonable and probable cause for suspecting, and did suspect that the plaintiff was the person who had stolen the paint, and thereupon gave him into custody.

[Title.]

Reply.

Reply.

The plaintiff joins issue upon the defendant's statement of defence.

No. 14.

FORE-CLOSURE.

1876. W. No. 672.

In the High Court of Justice,
Chancery Division.
[*Name of Judge.*]

Writ issued [ ].

Between R. W. - - - - - Plaintiff,
and
O. S. and J. B. - - - Defendants.

Statement of Claim.

Claim.

1. By an indenture dated the 25th of March 1867, made between the defendant O. S. of the one part, and the plaintiff of the other part, the defendant O. S., in consideration of the sum of 10,000*l.* paid to him by the plaintiff, conveyed to the plaintiff and his heirs a farm containing 398 acres, situate in the parish of B., in the county of D., with all the coal mines, seams of coal, and other mines and minerals in and under the same, subject to a proviso for redemption of the same premises on payment by the defendant O. S., his heirs, executors, administrators, or assigns, to the plaintiff, his executors, administrators, or assigns, of the sum of 10,000*l.*, with interest for the same in the meantime at the rate of 4*l.* per cent per annum, on the 25th day of September then next.

2. By an indenture dated the 1st day of April 1867, made between the defendant O. S. of the one part, and the defendant J. B. of the other part,

the defendant O. S. conveyed to the defendant J. B. and his heirs the hereditaments comprised in the herein-before stated security of the plaintiff, or some parts thereof, subject to the plaintiff's said security, and subject to a proviso for redemption of the same premises on payment by the defendant O. S., his heirs, executors, administrators, or assigns, to the defendant J. B., his executors, administrators, or assigns, of the sum of 15,000*l.*, with interest for the same in the meantime at the rate of 5*l.* per cent. per annum.

3. The whole of the said sum of 10,000*l.*, with an arrear of interest thereon, remains due to the plaintiff on his said security.

The plaintiff claims as follows:—

1. That an account may be taken of what is due to the plaintiff for principal money and interest on his said security, and that the defendants may be decreed to pay to the plaintiff what shall be found due to him on taking such account, together with his costs of this action, by a day to be appointed by the court, the plaintiff being ready and willing, and hereby offering, upon being paid his principal money, interest, and costs, at such appointed time, to convey the said mortgaged premises as the court shall direct.
2. That in default of such payment the defendants may be foreclosed of the equity of redemption in the mortgaged premises.
3. Such further or other relief as the nature of the case may require.

1876. W. 672.

In the High Court of Justice,
Chancery Division.
[*Name of Judge.*]

Between R. W. - - - - - Plaintiff,
and
O. S. and J. B. - - - - Defendants,
(by original action,)
And between the said O. S. - - - Plaintiff,
and
The said R. W. and J. B., and J. W. - Defendants,
(by counter-claim.)

The Defence and Counter-claim of the above-named O. S.

Defence.

1. This defendant does not admit that the contents of the indenture of the 25th day of March 1867, in the plaintiff's statement of complaint mentioned, are correctly stated therein.

2. The indenture of the 1st day of April 1867, in the statement of claim mentioned, was not a security for the sum of 15,000*l.* and interest at 5*l.* per cent. per annum, but for the sum of 14,000*l.* only, with interest at the rate of 4*l.* 10*s.* per cent. per annum.

3. This defendant submits that under the circumstances in his counter-claim mentioned, the said indentures of the 25th day of March 1867 and the 1st day of April 1867, did not create any effectual security upon the mines and minerals in and under the lands in the same indentures comprised, and that the same mines and minerals ought to be treated as excepted out of the said securities.

Counter-claim.

And by way of counter-claim this defendant states as follows:—

1. At the time of the execution of the indenture next herein-after stated, J. C. A. was seised in fee simple in possession of the lands described in the said indentures, and the mines and minerals in and under the same.
2. By indenture dated the 24th of March 1860, made between the said J. C. A. of the first part, E. his wife, then E. S., spinster, of the second part, and this defendant and the above-named J. W. of the third part, being a settlement made in contemplation of the marriage, shortly after solemnized, between the said J. C. A. and his said wife, the said J. C. A. granted to this defendant and the said J. W., and their heirs, all the coal mines, beds of coal, and other the mines and minerals under the said lands, with such powers and privileges

as in the now-stating indenture mentioned, for the purpose of winning, working, and getting the same mines and minerals, to hold the same premises to this defendant and the said J. W. and their heirs to the use of the said J. C. A., his heirs and assigns, till the solemnization of the said marriage, and after the solemnization thereof to the use of this defendant and the said J. W., their executors and administrators, for the term of 500 years, from the day of the date of the now-stating indenture, upon the trusts therein mentioned, being trusts for the benefit of the said J. C. A., and his wife and the children of their marriage, and from and after the expiration or other determination of the said term of 500 years, and in the meantime subject thereto, to the use of the said J. C. A., his heirs and assigns for ever.

3. By indenture dated the 12th of May 1860, made between the said J. C. A. of the one part, and W. N. of the other part, the said J. C. A. granted to the said W. N. and his heirs the said lands, except the coal mines, beds of coal, and other mines and minerals thereunder, to hold the same premises unto and to the use of the said W. N., his heirs and assigns for ever, by way of mortgage, for securing the payment to the said W. N., his executors, administrators, or assigns, of the sum of 26,000*l.*, with interest as therein mentioned.

4. On the 14th of January 1864, the said J. C. A. was adjudicated a bankrupt, and shortly afterwards J. L. was appointed creditor's assignee of his estate.

5. Some time after the said bankruptcy, the said W. N., under a power of sale in his said mortgage deed, contracted with this defendant for the absolute sale to this defendant of the property comprised in his said security for an estate in fee simple in possession, free from incumbrances, for the sum of 26,000*l.*, and the said J. L., as such assignee as aforesaid, agreed to join in the conveyance to this defendant for the purpose of signifying his assent to such sale.

6. By indenture dated the 1st of September 1866, made between the said W. N. of the first part, the said J. L. of the second part, the said J. C. A. of the third part, and this defendant of the fourth part, reciting the said agreement for sale, and reciting that the said J. L., being satisfied that the said sum of 26,000*l.* was a proper price, had, with the sanction of the Court of Bankruptcy, agreed to confirm the said sale, it was witnessed that in consideration of the sum of 26,000*l.*, with the privity and approbation of the said J. L., paid by this defendant to the said W. N., he the said W. N. granted, and the said J. C. A. ratified and confirmed to this defendant and his heirs, all the hereditaments comprised in the said security of the 12th day of May 1860, with their rights, members, and appurtenances, and all the estate, right, title, and interest of them, the said W. N. and J. C. A. therein, to hold the same premises unto and to the use of this defendant, his heirs and assigns for ever.

7. The sale to this defendant was not intended to include anything not included in the security of the 12th of May 1860, and the said J. L. only concurred therein to signify his approval of the said sale, and did not purport to convey any estate vested in him; and the lastly herein-before stated indenture did not vest in this defendant any estate in the said mines and minerals.

8. The plaintiff and the defendant J. B. respectively had before they advanced to this defendant the moneys lent by them on their securities in the plaintiff's claim mentioned, full notice that the mines and minerals under the said lands did not belong to this defendant. This fact appeared on the abstracts of title delivered to them before the preparation of their said securities. A valuation of the property made by a surveyor was furnished to them respectively on behalf of this defendant before they agreed to advance their money on their said securities; but although the said lands are in a mineral district, the mines and minerals were omitted from such valuation, and they

respectively knew at the time of taking their said securities that the same did not include any interest in the mines and minerals.

9. At the time when the securities of the plaintiff and the defendant J. B. were respectively executed, the plaintiff and the defendant J. B. respectively had notice of the said indenture of settlement of the 24th day of March 1860.

10. At the time when the plaintiff's security was executed, the mines and minerals under the said lands, with such powers and privileges as aforesaid, were vested in this defendant and the said J. W. for the residue of the said term of 500 years, and subject to the said term, the inheritance in the same mines, minerals, powers, and privileges was vested in the said J. L. as such assignee as aforesaid.

11. The said security to the plaintiff was by mistake framed so as to purport to include the mines and minerals under the said lands, and by virtue thereof the legal estate in moiety of the said mines and minerals became and now is vested in the plaintiff for the residue of the said term of 500 years.

The defendant O. S. claims as follows:

1. That it may be declared that neither the plaintiff nor the defendant J. B. has any charge or lien upon that one undivided moiety, which in manner aforesaid became vested in the plaintiff for the residue of the said term of 500 years, of and in the mines and minerals in and under the lands mentioned in the plaintiff's said security.
2. That it may be declared that the said mines and minerals, rights and privileges, which by the said indenture of settlement were vested in the defendant O. S. and the said J. W. for the said term of 500 years, upon trust as therein mentioned, ought to be so conveyed and assured as that the same may become vested in the defendant O. S. and the said J. W. for all the residue of the said term upon the trusts of the said settlement.
3. That the said R. W. and J. W. may be decreed to execute all such assurances as may be necessary for giving effect to the declaration secondly herein-before prayed.
4. To have such further or other relief as the nature of the case may require.

1876. W. 672.

In the High Court of Justice,
Chancery Division.
[*Name of Judge.*]

Between R. W. - - - - - Plaintiff,
and
O. S. and J. B. - - - Defendants,
(by original action,)

And between the said O. S. - - - Plaintiff,
and
The said R. W., and J. B., and J. W., Defendants.
(by counter-claim.)

The Reply of the Plaintiff R. W.

Reply.

1. The plaintiff joins issue with the defendants upon their several defences, and in reply to the statements alleged by the defendant O. S., by way of counter-claim, the plaintiff says as follows:

1. The plaintiff does not admit the execution of any such indenture as is stated in the said counter-claim to bear date the 24th of March 1860.
2. The plaintiff does not admit that the indenture of the 12th of May 1860 is stated correctly in the statement of claim.
3. When the defendant O. S., in the year 1866, applied to the plaintiff to advance him the sum of 10,000*l.*, he offered to the plaintiff as a security the lands which were afterwards comprised in the indenture of the 25th of March 1867, including the mines and minerals

which he now alleges were not to form part of the security, and the plaintiff agreed to lend the said sum upon the security of the said lands, including such mines and minerals. During the negociation for the said loan a valuation of the property to be included in the mortgage was delivered to the plaintiff on behalf of the said defendant. Such valuation included the mines and minerals; and the plaintiff consented to make the loan on the faith of such valuation. The plaintiff did not know when he took his security that it did not include any interest in the said mines and minerals; on the contrary, he believed that the entirety of such mines and minerals was to be included therein.

4. The plaintiff does not admit the contents of the indenture of the 1st of September 1866 to be as alleged, or that it was so framed as not to include the said mines and minerals, or that it was not intended to include anything not included in the security of the 12th of May 1860, or that J. L. in the counter-claim named only concurred therein to signify his approval of the said sale, and did not purport to convey any estate vested in him.

5. Save so far as the plaintiff's solicitor may have had notice by means of the abstract of title that the mines and minerals under the said lands did not belong to the defendant O. S., the plaintiff had not any notice thereof, and he does not admit that it appeared from the abstract of title that such was the case. The mines were not omitted from any valuation delivered to the plaintiff as mentioned in the counter-claim.

6. The plaintiff admits that when he took his security he was aware that there was indorsed on the deed by which the said lands were conveyed by J. C. A. in the counter-claim named a notice of a settlement of 24th March 1860, but he had no further or other notice thereof, and though his solicitor inquired after such settlement none was ever produced.

7. The plaintiff submits that if it shall appear that no further interest in the said mines and minerals was conveyed to him by his said security than one undivided moiety of a term of 500 years therein, as alleged by the said counter-claim, such interest is effectually included in the plaintiff's said security, and that he is entitled to foreclose the same.

No. 15.

187 . B. No. FRAUD.

In the High Court of Justice,
Division.

Writ issued 3rd August 1876.

Between *A.B.* - - - - - Plaintiff,
and
E.F. - - - - - Defendant.

Statement of Claim.

Claim.

1. In or about March 1875 the defendant caused to be inserted in the Daily Telegraph Newspaper an advertisement, in which he offered for sale the lease, fixtures, fittings, goodwill, and stock-in-trade of a baker's shop and business, and described the same as an increasing business, and doing 12 sacks a week. The advertisement directed application for particulars to be made to *X.Y.*

2. The plaintiff having seen the advertisement applied to *X.Y.*, who placed him in communication with the defendant, and negociations ensued between the plaintiff and the defendant for the sale to the plaintiff of the defendant's bakery at with the lease, fixtures, fittings, stock-in-trade, and goodwill.

3. In the course of these negociations the defendant repeatedly stated to the plaintiff that the business was a steadily increasing business, and that it was a business of more than 12 sacks a week.

4. On the 5th of April 1875 the plaintiff, believing the said statements of the defendant to be true, agreed to purchase the said premises from the defendant for 500*l.*, and paid to him a deposit of 200*l.* in respect of the purchase.

5. On the 15th April the purchase was completed, an assignment of the lease executed, and the balance of the purchase money paid. On the same day the plaintiff entered into possession.

6. The plaintiff soon afterwards discovered that at the time of the negociations for the said purchase by him and of the said agreement, and of the completion thereof, the said business was and had long been a declining business; and at each of those times, and for a long time before, it had never been a business of more than 8 sacks a week. And the said premises were not of the value of 500*l.*, or of any saleable value whatever.

7. The defendant made the false representations herein-before mentioned well knowing them to be false, and fraudulently, with the intention of inducing the plaintiff to make the said purchase on the faith of them.

The plaintiff claims *l.* damages.

[Title.]

Statement of Defence.

Defence. 1. The defendant says that at the time when he made the representations mentioned in the third paragraph of the statement of claim and throughout the whole of the transactions between the plaintiff and defendant, and down to the completion of the purchase and the relinquishment by the defendant of the said shop and business to the plaintiff, the said business was an increasing business, and was a business of over 12 sacks a week. And the defendant denies the allegations of the sixth paragraph of the statement of claim.

2. The defendant repeatedly during the negociations told the plaintiff that he must not act upon any statement or representation of his, but must ascertain for himself the extent and value of the said business. And the defendant handed to the plaintiff for this purpose the whole of his books, showing fully and truthfully all the details of the said business, and from which the nature, extent, and value thereof could be fully seen, and those books were examined for that purpose by the plaintiff, and by an accountant on his behalf. And the plaintiff made the purchase in reliance upon his own judgment, and the result of his own inquiries and investigations, and not upon any statement or representation whatever of the defendant.

[Title.]

Reply.

Reply. The plaintiff joins issue upon the defendant's statement of defence.

No. 16.

187 . B. No.

GUARANTEE. In the High Court of Justice,
Division.

Writ issued 3rd August 1876.

Between *A.B.* and *C.D.* - - - - Plaintiffs,
and
F.F. and *G.H.* - - - Defendants.

Statement of Claim.

Claim. 1. The plaintiffs are brewers, carrying on their business at under the firm of *X.Y. & Co.*

2. In the month of March 1872, *M.N.* was desirous of entering into the employment of the plaintiffs as a traveller and collector, and it was agreed between the plaintiffs and the defendants and *M.N.*, that the plaintiffs should employ *M.N.* upon the defendant entering into the guarantee herein-after mentioned.

3. An agreement in writing was accordingly made and entered into, on or about the 30th March 1872, between the plaintiffs and the defendant, whereby in consideration that the plaintiffs would employ *M.N.* as their collector the defendant agreed that he would be answerable for the due accounting by *M.N.* to the plaintiffs for and the due payment over by him to the plaintiffs of all moneys which he should receive on their behalf as their collector.

4. The plaintiffs employed *M.N.* as their collector accordingly, and he entered upon the duties of such employment, and continued therein down to the 31st of December 1873.

5. At various times between the 29th of September and the 25th of December 1873, *M.N.* received on behalf of the plaintiffs and as their collector sums of money from debtors of the plaintiffs amounting in the whole to the sum of 950*l.*; and of this amount *M.N.* neglected to account for or pay over to the plaintiffs sums amounting in the whole to 227*l.*, and appropriated the last-mentioned sums to his own use.

6. The defendant has not paid the last-mentioned sums, or any part thereof to the plaintiffs.

The plaintiffs claim :—

No. 17.

INTEREST SUIT (PROBATE).

In the High Court of Justice, Probate Division. 187 . B. No.

Between *A.B.* - - - - - Plaintiff,

and

- *C.D.* - - - - - Defendant.

Statement of Claim.

Claim.

1. *M.N.*, late of No. High Street, Putney, in the county of Surrey, grocer, deceased, died on or about the day of , at No. 1, High Street, Putney, aforesaid, a widower, without child, parent, brother or sister, uncle or aunt, nephew or niece.

2. The plaintiff is the cousin-german, and one of the next of kin of the deceased.

The plaintiff claims :—

That the court decree to him a grant of letters of administration of the personal estate and effects of the said deceased as his lawful cousin-german, and one of his next of kin.

[Title.]

Defence.

Defence.

1. The defendant admits that *M.N.* died a widower, without child, parent, brother or sister, uncle or aunt, or niece, but he denies that he died without nephew.

2. The deceased had a brother named *G.B.*, who died in his lifetime.

3. *G.B.* was married to *E.H.* in the parish church of in the county of on the day of and had issue of such marriage, the defendant, who was born in the month of and is the nephew and next of kin of the deceased.

The defendant therefore claims :—

That the Court pronounce that he is the nephew and next of kin of the deceased, and as such entitled to a grant of letters of administration of the personal estate and effects of the deceased.

[Title.]

Reply.

Reply.

1. The plaintiff denies that *G.B.* was married to *E.H.*

2. He also denies that the defendant is the issue of such marriage.

No. 18.

LANDLORD AND TENANT.

In the High Court of Justice, 187 . B. No.
Division.

Writ issued 3rd August 1876.

Between *A.B.* - - - - - Plaintiff,
and
C.D. - - - - - Defendant.

Statement of Claim.

Claim.

1. On the day of the plaintiff, by deed, let to the defendant a house and premises, No. 52, Street, in the city of London, for a term of 21 years from the day of , at the yearly rent of 120*l.*, payable quarterly.

2. By the said deed the defendant covenanted to keep the said house and premises in good and tenantable repair.

3. The said deed also contained a clause of re-entry, entitling the plaintiff to re-enter upon the said house and premises, in case the rent thereby reserved whether demanded or not, should be in arrear for 21 days, or in case the defendant should make default in the performance of any covenant upon his part to be performed.

4. On the 24th June 187 a quarter's rent became due, and on the 29th of September 187 another quarter's rent became due; on the 21st October 187 both had been in arrear for 21 days, and both are still due.

5. On the same 21st October 187 the house and premises were not and are not now in good or tenantable repair, and it would require the expenditure of a large sum of money to reinstate the same in good and tenantable repair, and the plaintiff's reversion is much depreciated in value.

The plaintiff claims :—

1. Possession of the said house and premises.
2. *l.* for arrears of rent.
3. *l.* damages for the defendant's breach of his covenant to repair.
4. *l.* for the occupation of the house and premises from the 29th of September 187 to the day of recovering possession.

The plaintiff proposes that this action should be tried in London.

No. 19.

187 . B. No.

NECESSARIES FOR SHIP.

In the High Court of Justice,
Admiralty Division.

Writ issued [ ].

THE "ENTERPRISE."

Between *A.B.* and *C.D.* - - - Plaintiffs,
and
E.F. and *G.H.* - - - Defendants.

Statement of Claim.

Claim.

1. The plaintiffs were at the time herein-after stated and are engineers and ironfounders, carrying on business at Liverpool in the county of Lancaster.

2. In the month of January 1872, whilst the above-named steamship "Enterprise" belonging to the port of London, was in the port of Liverpool, the plaintiffs, having received orders from the master in that behalf, executed certain necessary work to her and supplied her with certain necessary stores and materials, and caused her to be supplied upon their credit with certain necessary work, labour, materials, and necessaries, and thereby supplied the said ship with necessaries within the meaning of the fifth section of the Admiralty Court Act, 1861.

3. There is due to the plaintiffs in respect of such supply of necessaries to the said ship the sum of 577*l.* 2*s.* 6*d.*, and the plaintiffs cannot obtain payment thereof without the assistance of the Court.

The plaintiffs claim:—

1. Judgment pronouncing for the claim of the plaintiffs:
2. The condemnation of the defendants and their bail therein, with costs:
3. A reference, if necessary, of the claim of the plaintiffs to the registrar, assisted by assessors, to report the amount thereof:
4. Such further relief as the nature of the case requires.

[Title.]

Defence.

Defence.

1. The defendants deny the allegations contained in the third paragraph of the statement of claim.

2. The defendants admit that the plaintiffs executed certain work to the said ship, and supplied her with certain materials, but they say, that a portion of the work so executed was executed badly and insufficiently, and of the materials so supplied, some were bad and insufficient, and a portion of the work in the claim mentioned was done in and about altering and endeavouring to make good such bad and insufficient work and materials. The defendant has paid in respect of the work and materials in the claim mentioned the sum of 356*l.* 17*s.* 9*d.*, and the said sum is sufficient to satisfy the claims of the plaintiffs.

3. The defendants deny the allegations contained in the second paragraph of the claim, so far as they relate to any claim beyond the said sum of 356*l.* 17*s.* 9*d.*, and say that if the plaintiffs did execute any work or did supply any materials other than the work and materials mentioned in the second paragraph of this defence, such work was not necessary work, and such materials were not necessary materials, within the meaning of the fifth section of the Admiralty Court Act, 1861, and were not supplied in such circumstances as to render the defendants liable to pay for the same.

[Title.]

Reply.

Reply.

1. The plaintiffs join issue upon the statement of defence.

No. 20.

In the High Court of Justice, Division. 187 . B. No. NEGLIGENCE.

Writ issued 3rd August 1876.

Between *A.B.* - - - Plaintiff,

and

E.F. - - - Defendant.

Statement of Claim.

The Claim.

1. The plaintiff is a shoemaker, carrying on business at . The defendant is a soap and candle manufacturer, of .

2. On the 23rd May 1875, the plaintiff was walking eastward along the south side of Fleet Street, in the city of London, at about three o'clock in the afternoon. He was obliged to cross Street, which is a street running into Fleet Street at right angles on the south side. While he was crossing this street, and just before he could reach the foot pavement on the further side thereof, a two-horse van of the defendant's, under the charge and control of the defendant's servants, was negligently, suddenly, and without any warning, turned at a rapid and dangerous pace out of Fleet Street into Street. The pole of the van struck the plaintiff and knocked him down, and he was much trampled by the horses.

3. By the blow and fall and trampling the plaintiff's left arm was broken, and he was bruised and injured on the side and back, as well as internally, and in consequence thereof the plaintiff was for four months ill and in suffering, and unable to attend to his business, and incurred heavy medical and other expenses, and sustained great loss of business and profits.

The plaintiff claims *l.* damages.

[Title.]

Statement of Defence.

Defence.

1. The defendant denies that the van was the defendant's van, or that it was under the charge or control of the defendant's servant. The van belonged to Mr. John Smith, of , a carman and contractor employed by the defendant to carry and deliver goods for him; and the persons under whose charge and control the said van was were the servants of the said Mr. John Smith.

2. The defendant does not admit that the van was turned out of Fleet Street, either negligently, suddenly, or without warning, or at a rapid or dangerous pace.

3. The defendant says, that the plaintiff might and could, by the exercise of reasonable care and diligence, have seen the van approaching him, and avoided any collision with it.

4. The defendant does not admit the statements of the third paragraph of the statement of claim.

[Title.]

Reply.

Reply.

The plaintiff joins issue upon the defendant's statement of defence.

No. 21.

POSSESSION OF SHIP.

In the High Court of Justice, Admiralty Division. 187 . B. No.

Writ issued [ ].

THE "LADY OF THE LAKE."

Between *A.B.* - - - - - Plaintiff,

and

E.F. - - - - - Defendant.

Statement of Claim.

Claim.

1. On or about the 15th of July 1868, an agreement was entered into between the plaintiff and J. D., who was then the sole owner of the above-named barque "Lady of the Lake," whereby J. D. agreed to sell, and the plaintiff agreed to purchase, 32–64th parts or shares of the vessel for the sum of 500*l.*; payment 300*l.* in cash, and the remainder by purchaser's acceptances at three and six months date, and it was thereby agreed that the plaintiff was to be commander of the vessel.

2. The plaintiff accordingly paid to J. D. the sum of 300*l.*, and gave him his (the plaintiff's) acceptances at three and six months date for the residue of the said purchase money, and J. D. by bill of sale transferred 32–64th parts or shares in the vessel to the plaintiff, which bill of sale was duly registered on the 18th of July 1868; the plaintiff has since been and still is the registered owner of such 32-64th shares.

3. The vessel then sailed under the plaintiff's command on a voyage from Sunderland to the Brazils and other ports, and then on a homeward voyage to Liverpool, where she arrived on the 18th of June 1869, and having there discharged her homeward cargo she sailed thence under the plaintiff's command with a cargo to the Tyne, and thence to Sunderland, at which port she arrived on the 9th of August 1869.

4. The plaintiff then made several ineffectual applications to J. D., with a view to obtaining another charter for the said vessel, and after she had been lying idle for a considerable time, the plaintiff on or about the 16th of September 1869, obtained an advantageous charter for her to proceed to Barcelona with a cargo of coals, and with a view to enabling her to execute such charter the plaintiff paid the dock dues, and moved the vessel into a slipway in order that her bottom might be cleaned, but on or about the 17th of September, whilst the vessel was on the shore adjoining the slipway, the defendant, to whom the said J. D. had in the meantime transferred his 32–64th parts, forcibly took the vessel out of the possession of the plaintiff, and refused and still refuses to allow the plaintiff to take the vessel

on her said voyage to Barcelona, and by reason thereof heavy loss is being occasioned to the plaintiff.

The plaintiff claims :—

1. Judgment giving possession of the vessel "Lady of the Lake" to the plaintiff:
2. The condemnation of the defendant in costs of suit, and in all losses and damages occasioned by the defendant to the plaintiff:
3. Such further relief as the nature of the case requires.

[Title.]

Defence.

Defence.

1. The defendant says that the acceptances in the second paragraph of the claim mentioned were respectively dishonoured by the plaintiff, and have never yet been paid by him.

2. It was agreed between the plaintiff and J. D., that J. D. should act, and he has since always acted, as ship's husband of the "Lady of the Lake."

3. On the 31st of August 1869, J. D. sold to the defendant, for the sum of 400*l.*, and by bill of sale duly executed, transferred to him his 32–64th shares, and the bill of sale was duly registered on the 14th of September following.

4. After the "Lady of the Lake" had arrived at Sunderland, and after the defendant had purchased from J. D. his 32–64th shares of the "Lady of the Lake," the defendant placed the vessel in the custody and possession of a shipkeeper. The plaintiff, however, unlawfully removed her from such possession, and thereupon the defendant had the vessel taken into the South Dock of the harbour at Sunderland, with orders that she should be kept there. What the defendant did, as in this article mentioned, he did with the consent and full approval of J. D.

5. At the time of the sale of the "Lady of the Lake" by J. D. to the defendant as afore-mentioned, there was and there still is due from the plaintiff, as part owner of the "Lady of the Lake," to J. D., as part owner and ship's husband, a sum of money exceeding 300*l.* in respect of the vessel and her voyages over and above the amount of the unpaid acceptances.

6. Save as herein appears, the averments in the fourth paragraph of the claim contained are untrue, and if the charter-party mentioned in that paragraph was obtained by the plaintiff as alleged, which the defendant does not admit, it was obtained by him without the authority, consent, or knowledge of J. D. or the defendant.

7. Before the defendant took possession of the vessel as afore-mentioned, the plaintiff ceased to be master of her, with the consent of J. D. or the defendant.

8. J. D. has instituted an action against the said vessel in
in order to have the accounts taken between him and the plaintiff, and to enforce payment of the money due from the plaintiff to him.

[Title.]

Reply.

Reply.

1. The plaintiff says in reply to the first paragraph of the defence that the bills therein mentioned were dishonoured by the plaintiff because J. D. was indebted to the plaintiff in a large amount for his wages as master, and for his share of the earnings of the "Lady of the Lake," and refused payment thereof.

2. J. D. did not place the vessel in the exclusive custody or possession of a shipkeeper as in the fifth paragraph of the defence stated or implied. On the contrary, the vessel continued in the custody and possession of the plaintiff, who still holds her register. A man was sent on board the vessel by J. D. to look after J. D.'s share in the said vessel while she was in dock, but he did not dispossess the said plaintiff or take exclusive possession of the vessel, and the plaintiff was not dispossessed of the vessel until on or about the 17th of September last.

3. Except as herein-before appears the plaintiff joins issue upon the defendant's statement of defence.

[Title.]

Rejoinder.

Rejoinder. The defendant joins issue upon the first and second paragraphs of the Reply.

No. 22.

PROMISSORY NOTE. 187 . B. No.

In the High Court of Justice,
Division.

Writ issued 3d August 1876.

Between *A.B.* - - - - - Plaintiff,
and
E.F. - - - - - Defendant.

Statement of Claim.

Claim. 1. The defendant on the day of made his promissory note, whereby he promised to pay to the plaintiff or his order *l.* three months after date.

2. The note became due on the day of 1874, and the defendant has not paid it.

The plaintiff claims:—

The amount of the note and interest thereon to judgment.

The plaintiff proposes that this action should be tried in the county of

[Title.]

Statement of Defence.

Defence. 1. The defendant made the note sued upon under the following circumstances:—The plaintiff and defendant had for some years been in partnership as coal merchants, and it had been agreed between them that they should dissolve partnership, that the plaintiff should retire from the business, that the defendant should take over the whole of the partnership assets and liabilities, and should pay the plaintiff the value of his share in the assets after deducting the liabilities.

2. The plaintiff thereupon undertook to examine the partnership books, and inquire into the state of the partnership assets and liabilities; and he did accordingly examine the books, and make the said inquiries, and he thereupon represented to the defendant that the assets of the firm exceeded 10,000*l.*, and that the liabilities of the firm were under 3,000*l.*, whereas the fact was that the assets of the firm were less than 5,000*l.*, and the liabilities of the firm largely exceeded the assets.

3. The misrepresentations mentioned in the last paragraph induced the defendant to make the note now sued on, and there never was any other consideration for the making of the note.

[Title.]

Reply.

Reply. The plaintiff joins issue on the defence.

No. 23.

PROBATE OF WILL IN SOLEMN FORM. 187 . B. No.

In the High Court of Justice,
Probate Division.

Writ issued [ ].

Between *A.B.* - - - - - Plaintiff,
and
E.F. - - - - - Defendant.

Statement of Claim.

Claim. 1. C. T., late of Bicester in the county of Oxford, gentleman, deceased, who died on the 20th of January 1875 at Bicester, being of the age of 21

years, made his last will, with one codicil thereto, the said will bearing date the first day of October 1874, and the said codicil the first of January 1875, and in the said will appointed the plaintiff sole executor thereof.

2. The said will and codicil were signed by the deceased [*or*, by *X.Y.*, in the presence and by the directions of the deceased, *or* signed by the deceased, who acknowledged his signature, *or as the case may be*] in the presence of two witnesses present at the same time, the said will in the presence of H. P. and J. R., and the said codicil in the presence of J. D. and G. E., and who subscribed the same in the presence of the said deceased.

3. The deceased was at the time of the execution of the said will and codicil respectively of sound mind, memory, and understanding.

The plaintiff claims :—

That the Court shall decree probate of the said will and codicil in solemn form of law.

[Title.]

Statement of Defence.

The defendant says as follows :—

Defence.

1. The said will and codicil of the said deceased were not duly executed according to the provisions of the statute 1 Vict. c. 26.

2. The deceased at the time the said will and codicil respectively purport to have been executed was not of sound mind, memory, and understanding.

3. The execution of the said will and codicil was obtained by the undue influence of the plaintiff [and others acting with him, whose names are at present unknown to the defendant].

4. The execution of the said will and codicil was obtained by the fraud of the plaintiff, such fraud, so far as is within the defendant's present knowledge being [*state the nature of the fraud*].

5. The said deceased at the time of the execution of the said will and codicil did not know and approve of the contents thereof, or of the contents of the residuary clause in the said will [*as the case may be*].

6. The deceased made his true last will, dated the 1st day of January 1873, and in the said will appointed the defendant sole executor thereof. [*Propound this will as in paragraphs 2 and 3 of claim.*]

The defendant claims :—

1. That the Court will pronounce against the said will and codicil propounded by the plaintiff:
2. That the Court will decree probate of the said will of the said deceased, dated the 1st of January 1873, in solemn form of law.

[Title.]

Reply.

Reply.

1. The plaintiff joins issue upon the statement of defence of the defendant, as contained in the first, second, third, fourth, and fifth paragraphs thereof.

2. The plaintiff says that the said will of the said deceased, dated the 1st of January 1873, was duly revoked by the will of the said 1st of October 1873, propounded by the plaintiff in his statement of claim.

No. 24.

RECOVERY OF LAND. LANDLORD AND TENANT.

In the High Court of Justice, Common Pleas Division. 187 . B. No.

Writ issued 3rd August 1876.

Between *A.B.* - - - - - Plaintiff,

and

C.D. - - - - - Defendant.

Statement of Claim.

Claim.

1. On the day of the plaintiff let to the defendant a house, No. 52, street, in the city of London, as tenant from year to year, at the yearly rent of 120*l.*, payable quarterly, the tenancy to commence on the day of .

2. The defendant took possession of the house and continued tenant thereof until the day of last, when the tenancy determined by a notice duly given.

3. The defendant has disregarded the notice and still retains possession of the house.

The plaintiff claims :—

1. Possession of the house.

2. *l.* for mesne profits from the day of

The plaintiff proposes that this action should be tried in London.

In the High Court of Justice, 187 . No.
Common Pleas Division.

Between *A.B.* - - - - - Plaintiff,
and
C.D. - - - - - Defendant.
(by original action,)

And between *C.D.* - - - - Plaintiff,
and
A.B. - - - - Defendant.
(by counter-claim.)

Defence. The defence and counter-claim of the above-named *C.D.*

1. Before the determination of the tenancy mentioned in the statement of claim, the plaintiff *A.B.*, by writing dated the day of , and signed by him, agreed to grant to the defendant *C.D.* a lease of the house mentioned in the statement of claim, at the yearly rent of 150*l.*, for the term of 21 years, commencing from the day of , when the defendant *C.D.*'s tenancy from year to year determined, and the defendant has since that date been and still is in possession of the house under the said agreement.

Counter-claim. 2. By way of counter-claim the defendant claims to have the agreement specifically performed and to have a lease granted to him accordingly, and for the purpose aforesaid, to have this action transferred to the Chancery division.

In the High Court of Justice, 187 . No.
Chancery Division.
(Transferred by order dated day of .)

Between *A.B.* - - - - - Plaintiff,
and
C.D. - - - - - Defendant,
(by original action,)

And between *C.D.* - - - - Plaintiff,
and
A.B. - - - - Defendant.
(by counter-claim.)

Reply. The reply of the plaintiff *A.B.*

The plaintiff *A.B.* admits the agreement stated in the defendant *C.D.*'s statement of defence, but he refuses to grant to the defendant a lease, saying that such agreement provided that the lease should contain a covenant by the defendant to keep the house in good repair and a power of re-entry by the plaintiff upon breach of such covenant, and the plaintiff says that the defendant has not kept the house in good repair, and the same is now in a dilapidated condition.

[Title.]

Joinder of Issue.

The defendant *C.D.* joins issue upon the plaintiff *A.B.*'s statement in reply.

No. 25.

187 . B. No. RECOVERY OF LAND.

In the High Court of Justice,
Common Pleas Division.

Writ issued 3rd August 1876.

Between *A.B.* and *C.D.* - - - - Plaintiffs,
and
E.F. - - - - - Defendant.

Statement of Claim.

Claim.

1. *K. L.*, late of Sevenoaks in the county of Kent, duly executed his last will, dated the 4th day of April 1870, and thereby devised his lands at or near Sevenoaks, and all other his lands in the county of Kent, unto and to the use of the plaintiffs and their heirs, upon the trusts therein mentioned for the benefit of his daughters Margaret and Martha, and appointed the plaintiffs executors thereof.

2. *K. L.* died on the 3d day of January 1875, and his said will was proved by the plaintiffs in the Court of Probate on or about the 4th day of February 1875.

3. *K. L.* was at the time of his death seised in fee of a house at Sevenoaks, and two farms near there called respectively , the home farm containing 276 acres, and the Longton farm containing 700 acres, both in the county of Kent.

4. The defendant, soon after the death of *K. L.*, entered into possession of the house and two farms, and has refused to give them up to the plaintiff.

The plaintiffs claim:

1. Possession of the house and two farms:
2. *l.* for mesne profits of the premises from the death of *K. L.* till such possession shall be given.

The plaintiff proposes that this action should be tried in the county of Kent.

[Title.]

Statement of Defence.

Defence.

1. The defendant is the eldest son of *I. L.* deceased, who was the eldest son of *K. L.*, in the statement of claim named.

2. By articles bearing date the 31st day of May 1827 and made previous to the marriage of *K. L.* with Martha his intended wife, *K. L.*, in consideration of such intended marriage, agreed to settle the house and two farms in the statement of claim mentioned (and of which he was then seised in fee) to the use of himself for his life, with remainder to the use of his intended wife for her life, and after the survivor's decease, to the use of the heirs of the body of the said *K. L.* on his wife begotten, with other remainders over.

3. The marriage soon after took effect, *K. L.*, by deeds of lease and release, bearing date respectively the 4th and 5th of April 1828, after reciting the articles in alleged performance of them, conveyed the house and two farms to the use of himself for his life, with remainder to the use of his wife for her life, and after the decease of the survivor of them, to the use of the heirs body of *K. L.* on the said Martha to be begotten, with other remainders over.

4. There was issue of the marriage an only son Thomas L and two daughters. After the death of Thomas L , which took place in February 1864, *K. L.*, on the 3d May 1864, executed a disentailing assurance, which was duly enrolled and thereby conveyed the house and two farms to the use of himself in fee.

[Title.]

Reply.

Reply.

The plaintiffs join issue upon the defendant's statement of defence.

No. 26.

SALVAGE.

In the High Court of Justice,
Admiralty Division.

Writ issued [ ].

THE "CAMPANIL."

Between *A.B.* and *C.D.* - - - - Plaintiffs,

and

E.F. and *G.H.* - - - - Defendants.

Statement of Claim.

Claim.

1. The "Brazilian" is a screw steamer belonging to the port of Newcastle, of the burthen of 1,359 tons gross registered tonnage, and propelled by engines of 130 horse power, and at the time of the rendering of the salvage services herein-after mentioned she was navigated by her master and a crew of twenty-four hands. She left the Port of Newcastle on the 27th of November 1873, on a voyage to Genoa, and thence by way of Palmaras and Aguilas to the Tyne, and about 10 a.m. on the 26th of December 1873, in the course of her homeward voyage, with a cargo of merchandise, she was off the coast of Portugal, the island of Ons bearing about S.E. by E., when those on board her sighted a disabled steamer about four points on their starboard bow, in-shore, flying signals of distress. A strong gale was blowing at the time, and there was a very heavy sea running.

2. The "Brazilian" at once made towards the disabled steamer, which proved to be the "Campanil," the vessel proceeded against in this action. She was heavily laden with a cargo of iron ore. The "Brazilian" as she approached the "Campanil" signalled to her, and the "Campanil" answered by signal that her engines had broken down. By this time the "Campanil" was heading in-shore, rolling heavily, and shipping a large quantity of water. The "Brazilian" came under the lee of the "Campanil" and asked if she wanted assistance. Her master replied that he wanted to be towed to Vigo as his vessel had lost her screw. The master of the "Brazilian" then asked those on board the "Campanil" to send him a hawser, and for a long time those on board the "Brazilian" made attempts to get a hawser from the "Campanil," and exposed themselves and their vessel to great danger in doing so. The wind and sea rendering it impossible to get the hawser whilst the "Brazilian" was to leeward of the "Campanil," the "Brazilian" went to windward and attempted to float lines by means of life buoys to the "Campanil." During all this time the "Campanil" was quite unmanageable, and yawed about, and there was very great difficulty in manœuvring the "Brazilian" so as to retain command over her and keep her near the "Campanil." It was necessary to keep constantly altering the engines of the "Brazilian," setting them on ahead and reversing them quickly, and in consequence the engines laboured heavily and were exposed to great danger of being strained.

3. Whilst the "Brazilian" was endeavouring to float lines to the "Campanil," the "Campanil" made a sudden lurch and struck the "Brazilian" on her port quarter, knocking in her port bulwark and rail, and causing other damage to the vessel. After many unsuccessful efforts by those on board the "Brazilian," and after they had lost two life buoys and a quantity of rope, a hawser from the "Campanil" was at length made fast on board the "Brazilian," and the "Brazilian" with the "Campanil" in tow steamed easy ahead. A second hawser was then got out and made fast with coir springs, and the "Brazilian" then commenced to tow full speed ahead, each hawser having a full scope of 90 fathoms.

4. The "Brazilian" made towards Vigo, which was about 35 miles distant, the vessels made about two knots an hour, the "Brazilian" keeping her engines going at full speed. The "Brazilian" laboured very heavily, and both vessels shipped large quantities of water.

5. About noon one of the tow ropes broke, and both vessels were in danger of being driven ashore, broken water and rocks appearing to leeward, distant about two miles. After great difficulty the broken hawser was made fast again with a heavy spring of a number of parts of rope, and the "Brazilian" towed ahead under the lee of Ons Island.

6. Shortly afterwards the weather moderated and the sea went down a little, and the "Brazilian" was able to make more way, and about 7 p.m. the same day she towed the "Campanil" into Vigo harbour in safety.

7. The "Brazilian" was compelled to remain in harbour the next day to pay port charges and clear at the Custom House.

8. The coast off which the aforesaid services were rendered is rocky and exceedingly dangerous, and strong currents set along it, and but for the services rendered by the "Brazilian" the "Campanil" must have gone ashore and been wholly lost, together with her cargo, and in all probability her master and crew would have been drowned. No other steamer was in sight, and there was not any prospect of any other efficient assistance.

9. In rendering the said services the "Brazilian" and those on board her were exposed to great danger. Owing to the heavy sea, and the necessity of towing with a long scope of hawser, there was great danger of fouling the screw of the "Brazilian," and it required constant vigilance on the part of the master and crew to prevent serious accident. The master and crew of the "Brazilian" underwent much extra fatigue and exertion.

10. The damage sustained by the "Brazilian" in rendering the said services amounts to the sum of 150*l.*, and the value of the extra quantity of coal consumed in consequence of the said services is estimated at 16*l.*, and 4*l.* 1*s.* 5*d.* was paid by the owners of the "Brazilian" for harbour dues and other charges at Vigo.

11. The value of the "Campanil," her cargo and freight, at the time of the salvage services were as follows, that is to say: The "Campanil" was of the value of 13,000*l.*, her cargo was of the value of 300*l.*, and the gross amount of freight payable upon delivery of the cargo laden on board her at Barrow-in-Furness was 675*l.*

12. The value of the "Brazilian," her freight and cargo was about 25,050*l.*

The plaintiffs claim:—

1. Such an amount of salvage as to the Court may seem just:
2. That the defendants and their bail be condemned in costs:
3. Such further or other relief as the nature of the case may require.

[Title.]

Statement of Defence.

Defence.

1. The defendants say that upon the 22d of December 1873, the iron screw steamship "Campanil," of the burden of 660 tons register gross, propelled by engines of 70 horse power, navigated by David Boughton, her master, and a crew of 16 hands, left Porman, bound to Barrow-in-Furness, laden with a cargo of iron ore.

2. At about 8 a.m. of the 26th of December, whilst the "Campanil" was prosecuting her voyage, the shaft of her propeller broke outside the stern tube, and she lost her propeller. The "Campanil" was then brought to the wind, which was south by east, blowing fresh, and she proceeded under sail for Vigo, and continued to do so till about 9.30 a.m., when two steamships which had been for some time in sight, and coming to the northward, approached the "Campanil." The ensign of the "Campanil" was hoisted, union up, as a signal to one of such steamships, which afterwards come to the "Campanil," and proved to be the "Brazilian," whose owners, master, and crew are the plaintiffs.

3. The "Brazilian" then signalled the "Campanil" and inquired what was the matter, and was signalled in reply that the "Campanil" had lost her propeller, and required to be towed to Vigo, upon which the "Brazilian" signalled for the rope of the "Campanil," in order to take her in tow. After this the "Brazilian" steamed round the "Campanil" and up on to her starboard bow, and in so doing the "Brazilian" came with her port quarter into the starboard bow of the "Campanil" and did her considerable damage.

4. The "Brazilian" then threw a heaving line on board the "Campanil," and one of the "Campanil's" hawsers was attached to the line and hauled on board the "Brazilian," which passed one of her hawsers to the "Campanil" by means of life buoys, and when such hawsers had been secured

between the two vessels the "Brazilian" commenced to tow the "Campanil" for Vigo, it being at this time about 10.30 a.m. and Ons Island then bearing about south-east by south, and distant about 15 miles.

5. The "Brazilian" proceeded with the "Campanil" in tow, but owing to the two vessels being laden, and to the small power of the "Brazilian," she was only able to make very slow progress with the "Campanil," and it was not until 6.30 p.m. of the said day that the "Brazilian" arrived at Vigo with the "Campanil," which then came to anchor off the town there.

6. The defendants on the day of tendered to the plaintiffs and have paid into court the sum of 350*l.* for the services so as aforesaid rendered to the "Campanil" and her said cargo and freight, and offered to pay the costs, and submit that the same is ample and sufficient.

[Title.]

Reply.

Reply. 1. The plaintiffs admit the first and second articles of the Answer, and they admit that the "Brazilian" came into collision with the "Campanil," and caused slight damage to the "Campanil," but save as aforesaid they join issue upon the statement of defence.

No. 27.

TRESPASS TO LAND.

187 . No.

In the High Court of Justice,
Division.

Writ issued 3d August 1876.

Between *A.B.* - - - - - Plaintiff,

and

E.F. - - - - - Defendant.

Statement of Claim.

Claim. 1. The plaintiff was on the 5th March 1876 and still is the owner and occupier of a farm called Highfield Farm, in the parish of and county of

2. A private road, known as Highfield Lane, runs through a portion of the plaintiff's farm. It is bounded upon both sides by fields of the plaintiff's, and is separated therefrom by a hedge and ditch.

3. For a long time prior to the 5th March 1876 the defendant had wrongfully claimed to use the said road for his horses and carriages on the alleged ground that the same was a public highway, and the plaintiff had frequently warned him that the same was not a public highway, but the plaintiff's private road, and that the defendant must not so use it.

4. On the 5th March 1876 the defendant came with a cart and horse, and a large number of servants and workmen, and forcibly used the road, and broke down and removed a gate which the plaintiff had caused to be placed across the same.

5. The defendant and his servants and workmen on the same occasion pulled down and damaged the plaintiff's hedge and ditch upon each side of the road, and went upon the plaintiff's field beyond the hedge and ditch, and injured the crops there growing, and dug up and injured the soil of the road; and in any case the acts mentioned in this paragraph were wholly unnecessary for the assertion of the defendant's alleged right to use, or the user of the said road as a highway.

The plaintiff claims:

1. Damages for the wrongs complained of.
2. An injunction restraining the defendant from any repetition of any of the acts complained of.
3. Such further relief as the nature of the case may require.

[Title.]

Statement of Defence.

Defence. 1. The defendant says that the road was and is a public highway for horses and carriages; and a few days before the 5th March 1876 the

plaintiff wrongfully erected the gate across the road for the purpose of obstructing and preventing, and it did obstruct and prevent the use of the road as a highway. And the defendant on the said 5th March 1876 caused the said gate to be removed, in order to enable him lawfully to use the road by his horses and carriages as a highway.

2. The defendant denies the allegations of the fifth paragraph of the statement of claim, and says that neither he nor any of his workmen or servants did any act, or used any violence other than was necessary to enable the plaintiff lawfully to use the highway.

[Title.]

Reply.

The plaintiff joins issue upon the defendant's statement of defence. Reply.

No. 28.

Form of Demurrer.

In the High Court of Justice,
Division.

A.B. v. *C.D.*

The defendant [plaintiff] demurs to the [plaintiff's statement of complaint *or* defendant's statement of defence, *or* of set-off, *or* of counterclaim], [*or* to so much of the plaintiff's statement of complaint as claims . . . . . *or* as alleges as a breach of contract the matters mentioned in paragraph 17, *or as the case may be*], and says that the same is bad in law on the ground that [*here state a ground of demurrer*] and on other grounds, sufficient in law to sustain this demurrer.

No. 29.

Memorandum of Entry of Demurrer for Argument.

1874. B. No.

In the High Court of Justice,
Division.

A.B. v. *C.D.*

Enter for the argument the demurrer of
to

X.Y.,
Solicitor for the plaintiff [*or, &c.*]

APPENDIX D.

FORMS OF JUDGMENT.

1. *Default of Appearance and Defence in Case of Liquidated Demand.*

1876. B. No.

In the High Court of Justice,
Division.

Between *A.B.* - - - - - Plaintiff,
and
C.D. and *E.F.* - - - - Defendants.

30th November 1876.

The defendants [*or* the defendant *C.D.*] not having appeared to the writ of summons herein [*or not having delivered any statement of defence*], it is this day adjudged that the plaintiff recover against the said defendant *l.*, and costs, to be taxed.

---

2. *Judgment in default of Appearance in Action for Recovery of Land.*

[Title, &c.]

30th November 1876.

No appearance having been entered to the writ of summons herein, it is

this day adjudged that the plaintiff recover possession of the land in the said writ mentioned.

3. *Judgment in default of Appearance and Defence after Assessment of Damages.*

1876. B. No.

In the High Court of Justice,
Division.

Between *A.B.* and *C.D.* - - - - Plaintiffs,
and
E.F. and *G.H.* - - - - Defendants.

30th November 1876.

The defendants not having appeared to the writ of summons herein [*or not having delivered a statement of defence*], and a writ of inquiry, dated 1876, having been issued directed to the sheriff of to assess the damages which the plaintiff was entitled to recover, and the said sheriff having by his return dated the 1876, returned that the said damages have been assessed at *l.*, it is adjudged that the plaintiff recover *l.*, and costs to be taxed.

---

4. *Judgment at Trial by Judge without a Jury.*

[*Year, letter, and number.*]

Division.

day of 18 .

[*If in Chancery Division, name of Judge.*]

Between *A.B.* - - - - - Plaintiff,
and
C.D., *E.F.*, and *G.H.* - - - Defendants.

This action coming on for trial [the day of and] this day, before in the presence of counsel for the plaintiff and the defendants [*or, if some of the defendants do not appear*, for the plaintiff and the defendant *C.D.*, no one appearing for the defendants *E.F.* and *G.H.*, although they were duly served with notice of trial as by the affidavit of filed the day of appears,] upon hearing the probate of the will of , the answers of the defendants *C.D.*, *E.F.*, and *G.H.*, to interrogatories, the admission in writing, dated and signed by [Mr. the solicitor for] the plaintiff *A.B.* and by [Mr. the solicitor for] the defendant *C.D.*, the affidavit of filed the day of , the affidavit of filed the day of , the evidence of taken on their oral examination at the trial, and an exhibit marked X., being an indenture dated, &c. and made between [parties], and what was alleged by counsel on both sides: This court doth declare, &c.

And this court doth order and adjudge, &c.

---

5. *Judgment after Trial by a Jury.*

[Title, &c.]

15th November 1876.

The action having on the 12th and 13th November 1876 been tried before the Honourable Mr. Justice and a special jury of the county of , and the jury having found [*state findings as in officer's certificate*], and the said Mr. Justice having ordered that judgment be entered for the plaintiff for *l.* and costs of suit [*or as the case may be*]: Therefore it is adjudged that the plaintiff recover against the defendant *l.* and *l.* for his costs of suit [or that the plaintiff recover nothing against the defendant, and that the defendant recover against the plaintiff *l.* for his costs of defence, *or as the case may be*].

---

6. *Judgment after Trial before Referee.*

[Title, &c.]

30th November 1876.

The action having on the 27th November 1876 been tried before *X.Y.* Esq. an official [*or* special] referee; and the said *X.Y.* having found [*state substance of referee's certificate*], it is this day adjudged that

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7. *Judgment upon Motion for Judgment.*

[Title, &c.]

30th November 1876.

This day before Mr. *X.* of counsel for the plaintiff [*or as the case may be*], moved on behalf of the said [*state judgment moved for*], and the said Mr. *X.* having been heard of counsel for and Mr. *Y.* of counsel for the Court adjudged

---

APPENDIX E.

Forms of Præcipe.

1. *Fieri facias.*

In the High Court of Justice, 1876. B. No.
Division.

Between *A.B.* - - - - - Plaintiff,
and
C.D. and others - - - Defendants.

Seal a writ of fieri facias directed to the sheriff of to levy against *C.D.* the sum of *l.* and interest thereon at the rate of *l.* per centum per annum from the day of [and *l.* costs] to
Judgment [*or* order] dated day of .
[Taxing master's certificate, dated day of .]
X.Y., solicitor for [*party on whose behalf writ is to issue.*]

---

2. *Elegit.*

In the High Court of Justice, 187 . B. No.
Division.

Between *A.B.* - - - - - Plaintiff,
and
C.D. and others - - - Defendants.

Seal a writ of elegit directed to the sheriff of against of in the county of for not paying to *A.B.* the sum of *l.*, together with interest thereon, from the day of [and the sum of *l.* for costs,] with interest thereon at the rate of 4*l.* per centum per annum.
Judgment [*or* order] dated day of 18 .
[Taxing master's certificate, dated day of 18 .]
X.Y.,
Solicitor for .

---

3. *Venditioni Exponas.*

In the High Court of Justice, 187 . B. No.
Division.

Between *A.B.* - - - - - Plaintiff,
and
C.D. and others - - - Defendants.

Seal a writ of venditioni exponas directed to the sheriff of

to sell the goods and of *C.D.* taken under a writ of fieri facias in this action tested day of

X.Y.,
Solicitor for

---

4. *Fieri Facias de Bonis Ecclesiasticis.*

In the High Court of Justice, 187 . B. No.
Division.

Between *A.B.* - - - - - Plaintiff,
and
C.D. - - - - - Defendant.

Seal a writ of fieri facias de bonis ecclesiasticis directed to the bishop [*or* archbishop, *as the case may be*] of to levy against *C.D.* the sum of *l.*

Judgment [*or* order] dated day of .

[Taxing master's certificate, dated day of].

X.Y.,
Solicitor for .

---

5. *Sequestrari Facias de Bonis Ecclesiasticis.*

In the High Court of Justice, 187 . B. No.
Division.

Between *A.B.* - - - - - Plaintiff,
and
C.D. and others - - - Defendants.

Seal a writ of sequestrari facias directed to the Lord Bishop of against *C.D.* for not paying to *A.B.* the sum of *l.*

---

6. *Writ of Sequestration.*

In the High Court of Justice, 187 . B. No.
Division.

Between *A.B.* - - - - - Plaintiff,
and
C.D. and others - - - Defendants.

Seal a writ of sequestration against *C.D.* for not at the suit of *A.B.* directed to [*names of Commissioners*].

Order dated day of .

---

7. *Writ of Possession.*

In the High Court of Justice, 187 . B. No.
Division.

Between *A.B* - - - - - Plaintiff,
and
C.D. and others - - - Defendants.

Seal a writ of possession directed to the sheriff of to deliver possession to *A.B.* of .

Judgment dated day of .

---

8. *Writ of Delivery.*

In the High Court of Justice, 187 . B. No.
Division.

Between *A.B.* - - - - - Plaintiff,
and
C.D. and others - - - Defendants.

Seal a writ of delivery directed to the sheriff of to make delivery to *A.B.* of .

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9. *Writ of Attachment.*

In the High Court of Justice, 187 . B. No.
Division.
Between *A.B.* - - - - - Plaintiff,
and
C.D. and others - - - Defendants.

Seal in pursuance of order dated day of
an attachment directed to the sheriff of against *C.D.* for
not delivering to *A.B.*

APPENDIX F.

FORMS OF WRITS.

1. *Writ of Fieri Facias.*

In the High Court of Justice, 187 . B. No.
Division.
Between *A.B.* - - - - - Plaintiff,
and
C.D. and others - - - Defendants.

Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith.

To the sheriff of greeting.

We command you that of the goods and chattels of *C.D.* in your bailiwick you cause to be made the sum of *l.* and also interest thereon at the rate of *l.* per centum per annum from the day of * which said sum of money and interest were lately before us in our High Court of Justice in a certain action [*or* certain actions, *as the case may be*] wherein *A.B.* is plaintiff and *C.D.* and others are defendants [*or* in a certain matter there depending intituled "In the matter of *E.F.*" *as the case may be*] by a judgment [*or* order, *as the case may be*] of our said Court, bearing date the day of adjudged [*or* ordered, *as the case may be*] to be paid by the said *C.D* to *A.B.*, together with certain costs in the said judgment [*or* order, *as the case may be*] mentioned, and which costs have been taxed and allowed by one of the taxing masters of our said Court at the sum of *l.* as appears by the certificate of the said taxing master, dated the day of . And that of the goods and chattels of the said *C.D.* in your bailiwick you further cause to be made the said sum of *l.* [costs] together with interest thereon at the rate of 4*l.* per centum per annum from the day of ,† and that you have that money and interest before us in our said Court immediately after the execution hereof to be paid to the said *A.B.* in pursuance of the said judgment [*or* order, *as the case may be*]. And in what manner you shall have executed this our writ make appear to us in our said Court immediately after the execution thereof. And have there then this writ.

Witness, &c.

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2. *Writ of Elegit.*

In the High Court of Justice, 187 . B. No.
Division.
Between *A.B.* - - - - - Plaintiff,
and
C.D. and others - - - Defendants.

Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith.

To the sheriff of greeting.

Whereas lately in our High Court of Justice in a certain action [*or* certain actions, *as the case may be*] there depending, wherein *A.B.* is plaintiff

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* Day of the judgment or order, or day on which money directed to be paid, or day from which interest is directed by the order to run, as the case may be.

† The date of the certificate of taxation. The writ *must* be so moulded as to follow the substance of the judgment or order.

and *C.D.* and others are defendants [*or* in a certain matter there depending intituled "In the matter of *E.F.*," *as the case may be*] by a judgment [*or* order, *as the case may be*] of our said Court made in the said action [*or* matter, *as the case may be*], and bearing date the day of , it was adjudged [*or* ordered, *as the case may be*] that *C.D.* should pay unto *A.B.* the sum of *l.*, together with interest thereon after the rate of *l.* per centum per annum from the day of , together also with certain costs as in the said judgment [*or* order, *as the case may be*] mentioned, and which costs have been taxed and allowed by one of the taxing masters of our said Court, at the sum of *l.* as appears by the certificate of the said taxing master, dated the day of . And afterwards the said *A.B.* came into our said Court, and according to the statute in such case made and provided, chose to be delivered to him all the goods and chattels of the said *C.D.* in your bailiwick, except his oxen and beasts of the plough, and also all such lands, tenements, rectories, tithes, rents, and hereditaments, including lands and hereditaments of copyhold or customary tenure, in your bailiwick as the said *C.D.*, or any one in trust for him, was seised or possessed of on the day of in the year of our Lord * or at any time afterwards, or over which the said *C.D.* on the said day of or at any time afterwards had any disposing power which he might without the assent of any other person exercise for his own benefit, to hold to him the said goods and chattels as his proper goods and chattels, and to hold the said lands, tenements, rectories, tithes, rents, and hereditaments respectively, according to the nature and tenure thereof, to him and to his assigns, until the said two several sums of *l.* and *l.*, together with interest upon the said sum of *l.*, at the rate of *l.* per centum per annum from the said day of and on the said sum of *l.* (costs) at the rate of 4*l.* per centum per annum from the day of shall have been levied. Therefore we command you that without delay you cause to be delivered to the said *A.B.* by a reasonable price and extent all the goods and chattels of the said *C.D.* in your bailiwick, except his oxen and beasts of the plough, and also all such lands and tenements, rectories, tithes, rents, and hereditaments, including lands and hereditaments of copyhold or customary tenure, in your bailiwick as the said *C.D.*, or any person or persons in trust for him was or were seised or possessed of on the said day of † or at any time afterwards, or over which the said *C.D.* on the said day of †, or at any time afterwards had any disposing power which he might without the assent of any other person, exercise for his own benefit, to hold the said goods and chattels to the said *A.B.*, as his proper goods and chattels, and also to hold the said lands, tenements, rectories, tithes, rents, and hereditaments respectively, according to the nature and tenure thereof, to him and to his assigns until the said two several sums of *l.* and *l.*, together with interest as aforesaid, shall have been levied. And in what manner you shall have executed this our writ make appear to us in our Court aforesaid, immediately after the execution thereof, under your seals, and the seals of those by whose oath you shall make the said extent and appraisement. And have there then this writ.

Witness ourselves at Westminster, &c.

3. *Writ of Venditioni Exponas.*

In the High Court of Justice, Division. 1875. B. No.

Between *A.B.* - - - - - Plaintiff,

and

C.D. and others - - - Defendants.

Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith.

To the sheriff of greeting.

Whereas by our writ we lately commanded you that of the goods and

* The day on which the judgment or order was made.
† The day on which the decree or order was made.

chattels of *C.D.*[*here recite the fieri facias to the end*]. And on the day of you returned to us in the Division of our High Court of Justice aforesaid, that by virtue of the said writ to you directed you had taken goods and chattels of the said *C.D.* to the value of the money and interest aforesaid, which said goods and chattels remained in your hands unsold for want of buyers. Therefore, we being desirous that the said *A.B.* should be satisfied his money and interest aforesaid, command you that you expose to sale and sell, or cause to be sold, the goods and chattels of the said *C.D.*, by you in form aforesaid taken, and every part thereof, for the best price that can be gotten for the same, and have the money arising from such sale before us in our said Court of Justice immediately after the execution hereof, to be paid to the said *A.B.* And have there then this writ.

Witness ourself at Westminster, the day of in the year of our reign.

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4. *Writ of Fieri facias de Bonis Ecclesiasticis.*

In the High Court of Justice, 1875. B. No.
Division.

Between *A.B.* - - - - - Plaintiff,
and
C.D. and others - - - Defendants.

Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith: To the Right Reverend Father in God [*John*] by Divine permission Lord Bishop of greeting: We command you, that of the ecclesiastical goods of *C.D.*, clerk in your diocese, you cause to be made *l.* which lately before us in our High Court of Justice in a certain action [*or* certain actions, *as the case may be*], wherein *A.B.* is plaintiff and *C.D.* is defendant [*or* in a certain matter there depending, intituled "In the matter of *E.F.*" *as the case may be*], by a judgment [*or* order, *as the case may be*] of our said Court bearing date the day of , was adjudged [*or* ordered, *as the case may be*] to be paid by the said *C.D.* to the said *A.B.*, together with interest on the said sum of at the rate of *l.* per centum per annum, from the day of and have that money, together with such interest as aforesaid, before us in our said Court immediately after the execution hereof, to be rendered to the said *A.B.*, for that our sheriff of returned to us in our said Court on [*or* "at a day now past"] that the said *C.D.* had not any goods or chattels or any lay fee in his bailiwick whereof he could cause to be made the said *l.* and interest aforesaid or any part thereof, and that the said *C.D.* was a beneficed clerk (to wit) rector of rectory [*or* vicar of the vicarage] and parish church of in the said sheriff's county, and within your diocese [*as in the return*], and in what manner you shall have executed this our writ make appear to us in our said Court immediately after the execution hereof, and have you there then this writ. Witness ourself at Westminster, the day of in the year of our Lord .

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5. *Writ of Fieri Facias to the Archbishop de bonis Ecclesiasticis during the vacancy of a Bishop's See.*

Victoria [&c. *as in the preceding form*]: To the Right Reverend Father in God [*John*] by Divine Providence Lord Archbishop of Canterbury, Primate of all England and Metropolitan, greeting: We command you, that of the ecclesiastical goods of *C.D.*, clerk in the diocese of which is within the province of Canterbury, as ordinary of that church, the episcopal see of now being vacant, you cause to be made [&c., *conclude as in the preceding form*].

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6. *Writ of Sequestrari Facias de bonis Ecclesiasticis.*

In the High Court of Justice, 1875. B. No.
Division.

Between *A.B.* - - - - - Plaintiff,
and
C.D. and others - - - Defendants.

Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith: To the Right Reverend Father in God [*John*] by Divine permission Lord Bishop of greeting: Whereas we lately commanded our sheriff of that he should omit not by reason of any liberty of his county, but that he should enter the same, and cause [to be made, *if after the return to a fieri facias, or* delivered, *if after the return to an elegit, &c., and in either case recite the former writ.*] And whereupon our said sheriff of on [*or* "at a day past"] returned to us in the division of our said Court of Justice, that the said *C.D.* was a beneficed clerk; that is to say, rector of the rectory [*or* vicar of the vicarage] and parish church of in the county of , and within your diocese, and that he had not any goods or chattels, or any lay fee in his bailiwick [*here follow the words of the sheriff's return*]. Therefore we command you that you enter into the said rectory [*or* vicarage] and parish church of , and take and sequester the same into your possession, and that you hold the same in your possession until you shall have levied the said *l.* and interest aforesaid of the rents, tithes, rentcharges in lieu of tithes, oblations, obventions, fruits, issues, and profits thereof, and other ecclesiastical goods in your diocese of and belonging to the said rectory [*or* vicarage] and parish church of and to the said *C.D.* as rector [*or* vicar] thereof to be rendered to the said *A.B.*, and what you shall do therein make appear to us in our said Court immediately after the execution hereof, and have you there then this writ. Witness ourself at Westminster, the day of in the year of our Lord .

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7. *Writ of Possession.*

In the High Court of Justice, 187 . B. No.
Division.

Between *A.B.* - - - - - Plaintiff,
and
C.D. and others - - - - Defendants.

Victoria, to the sheriff of , greeting: Whereas lately in our High Court of Justice, by a judgment of the Division of the same Court [*A.B.* recovered] *or* [*E.F.* was ordered to deliver to *A.B.*] possession of all that with the appurtenances in your bailiwick: Therefore, we command you that you omit not by reason of any liberty of your county, but that you enter the same, and without delay you cause the said *A.B.* to have possession of the said land and premises with the appurtenances. And in what manner you have executed this our writ make appear to the Judges of the Division of our High Court of Justice immediately after the execution hereof, and have you there then this writ. Witness, &c.

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8. *Writ of Delivery.*

In the High Court of Justice, 187 . B. No.
Division.

Between *A.B.* - - - - - Plaintiff,
and
C.D. and others - - - - Defendants.

Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, to the sheriff of greeting: We command you, that without delay you cause the following chattels, that is to say [*here enumerate the chattels recovered by the judgment for the return*

of which execution has been ordered to issue], to be returned to *A.B.*, which the said *A.B.* lately in our recovered against *C.D.* [*or C.D.* was ordered to deliver to the said *A.B.*] in an action in the division of our said Court. And we further command you, that if the said chattels cannot be found in your bailiwick, you distrain the said *C.D.* by all his lands and chattels in your bailiwick, so that neither the said *C.D.* nor any one for him do lay hands on the same until the said *C.D.* render to the said *A.B.* the said chattels; and in what manner you shall have executed this our writ make appear to the Judges of the Division of our High Court of Justice, immediately after the execution hereof, and have you there then this writ. Witness, &c.

The Like, but instead of a Distress until the Chattel is returned, commanding the Sheriff to levy on Defendant's Goods the assessed Value of it.

[*Proceed as in the preceding form until the*, and then thus:*] And we further command you, that if the said chattels cannot be found in your bailiwick, of the goods and chattels of the said *C.D.* in your bailiwick you cause to be made *l.* [*the assessed value of the chattels*], and in what manner you shall have executed this our writ make appear to the Judges of the Division of our High Court of Justice at Westminster, immediately after the execution hereof, and have you there then this writ. Witness, &c.

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9. *Writ of Attachment.*

In the High Court of Justice, Division. 187 . B. No.

Between *A.B.* - - - - - Plaintiff,

and

C.D. and others - - - - Defendants.

Victoria, &c.

To the sheriff of greeting.

We command you to attach *C.D.* so as to have him before us in the Division of our High Court of Justice wheresoever the said Court shall then be, there to answer to us, as well touching a contempt which he it is alleged hath committed against us, as also such other matters as shall be then and there laid to his charge, and further to perform and abide such order as our said Court shall make in this behalf, and hereof fail not, and bring this writ with you. Witness, &c.

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10. *Writ of Sequestration.*

In the High Court of Justice, Division. 187 . B. No.

Between *A.B.* - - - - - Plaintiff,

and

C.D. and others - - - - Defendants.

Victoria, &c.

To [*names of not less than four Commissioners*] greeting.

Whereas lately in the Division of our High Court of Justice in a certain action there depending, wherein *A.B.* is plaintiff and *C.D.* and others are defendants [*or*, in a certain matter then depending, intituled "In the matter of *E.F.*," *as the case may be*] by a judgment [*or* order, *as the case may be*] of our said Court made in the said action [*or* matter], and bearing date the day of 187 , it was ordered that the said *C.D.* should [pay into Court to the credit of the said action the sum of *l.*, *or*, *as the case may be*]. Know ye, therefore, that we, in confidence of your prudence and fidelity, have given, and by these presents do give to you, or any three or two of you, full power and authority to enter upon all the messuages, lands, tenements, and real estate whatsoever of the said *C.D.*, and to collect, receive, and sequester into your hands not only all the rents and profits of his said messuages, lands, tenements, and real estate, but also all his goods, chattels, and personal estates whatsoever;

and therefore we command you, any three or two of you, that you do at certain proper and convenient days and hours, go to and enter upon all the messuages, lands, tenements, and real estates of the said *C.D.*, and that you do collect, take, and get into your hands not only the rents and profits of his said real estate, but also all his goods, chattels, and personal estate, and detain and keep the same under sequestration in your hands until the said *C.D.* shall [pay into Court to the credit of the said action the sum of *l. or, as the case may be,*] clear his contempt, and our said Court make other order to the contrary. Witness, &c.

SECOND SCHEDULE.

Session and Chapter.	Title.	Extent of Repeal.
6 Geo. 4. c. 84.	An Act to provide for the augmenting the salaries of the Master of the Rolls and the Vice Chancellor of England, the Chief Baron of the Court of Exchequer, and the Puisne Judges and Barons of the Courts in Westminster Hall, and to enable His Majesty to grant an annuity to such Vice Chancellor, and additional annuities to such Master of the Rolls, Chief Baron, and Puisne Judges and Barons on their resignation of their respective offices.	Section seven.
32 & 33 Vict. c. 71.	The Bankruptcy Act, 1869.	Section one hundred and sixteen from "provided that at any time," inclusive, to end of the section.
32 & 33 Vict. c. 83.	The Bankruptcy Repeal and Insolvent Court Act, 1869.	Section nineteen from "provided that at any time," inclusive, to end of the section.
36 & 37 Vict. c. 66.	Supreme Court of Judicature Act, 1873.	So much of sections three and sixteen as relates to the London Court of Bankruptcy, section six, section nine, section ten, so much of section thirteen as relates to additional judges of the Court of Appeal, section thirty-four from "all matters pending in "the London Court of Bank-"ruptcy" to "London Court "of Bankruptcy," section thirty-five, section forty-eight, section fifty-three, section sixty-three, section sixty-eight, section sixty-nine, section seventy, section seventy-one, section seventy-two, section seventy-three, section seventy-four, and the whole of the schedule.

CHAPTER 78.

An Act to apply a sum out of the Consolidated Fund to the service of the year ending the thirty-first day of March one thousand eight hundred and seventy-six, and to appropriate the Supplies granted in this Session of Parliament.

[13th August 1875.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, towards making good the supply which we have cheerfully granted to Your Majesty in this session of Parliament, have resolved to grant unto Your Majesty the sum herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Grant out of Consolidated Fund.

Issue of 24,982,153*l.* out of the Consolidated Fund.

1. The Commissioners of Her Majesty's Treasury for the time being may issue out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and apply towards making good the supply granted to Her Majesty for the service of the year ending on the thirty-first day of March one thousand eight hundred and seventy-six the sum of twenty-four million nine hundred and eighty-two thousand one hundred and fifty-three pounds.

Power for the Treasury to borrow.

2. The Commissioners of Her Majesty's Treasury may borrow from time to time on the credit of the said sum of twenty-four million nine hundred and eighty-two thousand one hundred and fifty-three pounds, any sum or sums of equal or less amount in the whole, and shall repay the moneys so borrowed, with interest not exceeding five pounds per centum per annum, out of the growing produce of the Consolidated Fund at any period not later than the next succeeding quarter to that in which the said sums were borrowed.

Any sums so borrowed shall be placed to the credit of the account of Her Majesty's Exchequer, and shall form part of the said Consolidated Fund, and be available in any manner in which such fund is available.

Appropriation of Grants.

Appropriation of sums voted for supply services.

3. All sums granted by this Act and the other Acts mentioned in Schedule (A.) annexed to this Act out of the said Consolidated Fund towards making good the supply granted

to Her Majesty, amounting, as appears by the said Schedule, in the aggregate to the sum of forty-seven million eight hundred and sixty-four thousand eight hundred and fourteen pounds eight shillings and elevenpence, are appropriated and shall be deemed to have been appropriated as from the date of the passing of the first of the Acts mentioned in the said Schedule (A.) for the purposes and services expressed in Schedule (B.) annexed hereto.

The abstract of schedules and schedules annexed hereto, with the notes (if any) to such schedules, shall be deemed to be part of this Act in the same manner as if they had been contained in the body thereof.

Treasury may, in certain cases of exigency, authorise expenditure unprovided for; provided that the aggregate grants for the navy services and for the army services respectively be not exceeded.

4. If a necessity arise for incurring expenditure not provided for in the sums appropriated to naval and military services by this Act, and which it may be detrimental to the public service to postpone until provision can be made for it by Parliament in the usual course, each of the departments entrusted with the control over the said services shall forthwith make application in writing to the Commissioners of Her Majesty's Treasury for their authority to defray temporarily such expenditure out of any surpluses which may have been or which may be effected by the saving of expenditure upon votes within the same department, and in such application the department shall represent to the Commissioners of the Treasury the circumstances which may render such additional expenditure necessary, and thereupon the said Commissioners may authorise the expenditure unprovided for as aforesaid to be temporarily defrayed out of any surpluses which may have been or which may be effected as aforesaid upon votes within the same department; and a statement showing all cases in which the naval and military departments have obtained the sanction of the said Commissioners to any expenditure not provided for in the respective votes aforesaid, accompanied by copies of the representations made to them by the said departments, shall be laid before the House of Commons with the appropriation accounts of navy and army services for the year, in order that such proceedings may be submitted for the sanction of Parliament, and that provision may be made for the deficiencies upon the several votes for the said services in such manner as Parliament may determine.

The Commissioners of the Treasury shall not authorise any expenditure which may cause an excess upon the aggregate sums appropriated by this Act for naval services and for army services respectively.

Sanction for navy and army expenditure for 1873–74 unprovided for.

5. Whereas the Commissioners of the Treasury, under the powers vested in them by the Act of the session held in the thirty-sixth and thirty-seventh years of the reign of Her present Majesty, chapter seventy-nine, have authorised expenditure not provided for in the sums appropriated by the said Act

to certain votes for naval and military services for the year ended on the thirty-first day of March one thousand eight hundred and seventy-four, to be in part temporarily defrayed out of the balances unexpended in respect of the sums appropriated to certain other votes for naval and military services for the said year; viz.,

1st. Expenditure for certain navy services unprovided for, temporarily defrayed to the extent of fifty-one thousand eight hundred and eighty pounds five shillings and sevenpence, out of the unexpended balances of certain other votes for navy services:

2d. Expenditure for certain army services unprovided for, temporarily defrayed to the extent of five hundred and forty-one thousand six hundred and forty-six pounds one shilling and fivepence, out of the unexpended balances of certain other votes for army services:

It is enacted, that the application of the said sums is hereby sanctioned.

6. This Act may be cited for all purposes as "The Appropriation Act, 1875." Short title of Act.

ABSTRACT

OF

SCHEDULES (A.) and (B.) to which this Act refers.

SCHEDULE (A.)

	£	s.	d.
Grants out of the Consolidated Fund - - -	47,864,814	8	11

SCHEDULE (B.)—APPROPRIATION OF GRANTS.

	£	£	s.	d.
Part 1. Deficiencies, 1873-74 - - - -		439,506	8	11
„ 2. Supplementary, 1874-75 - - - -		443,155	–	–
		882,661	8	11
1875-76:—				
„ 3. Navy - - - - - -		10,825,194	–	–
„ 4. Army - - - - - -		14,677,700	–	–
„ 5. Army Purchase Commission - - -		636,560	–	–
„ 6. Civil Services, Class I. -	1,442,489			
„ 7. Ditto, Class II. -	2,504,768			
„ 8. Ditto, Class III. -	4,818,251			
„ 9. Ditto, Class IV. -	3,016,084			
„ 10. Ditto, Class V. -	559,502			
„ 11. Ditto, Class VI. -	526,755			
„ 12. Ditto, Class VII. -	123,082			
TOTAL CIVIL SERVICES -		12,990,931	–	–
„ 13. Revenue departments, &c. - - -		7,706,680	–	–
„ 14. Advances for Greenwich Hospital and School		145,088	–	–
	£	47,864,814	8	11

SCHED. (A.)

SCHEDULE (A.)

GRANTS OUT OF THE CONSOLIDATED FUND.

	£	s.	d.	£	s.	d.
For the service of the years ending 31st March 1874 and 1875;						
Under Act 38 Vict. cap. 1.	-	-	-	882,661	8	11
For the service of the year ending 31st March 1876; viz.						
Under Act 38 Vict. cap. 2.	7,000,000	-	-			
Under Act 38 Vict. cap. 10.	15,000,000	-	-			
Under this Act - -	24,982,153	-	-			
				46,982,153	-	-
TOTAL - -				£47,864,814	8	11

SCHED. (B.) PART 1.

Deficiencies.

SCHEDULE (B.)—PART 1.

DEFICIENCIES.

SCHEDULE of SUMS granted to make good deficiencies on the several grants herein particularly mentioned for the year ended on the 31st day of March 1874; viz.:—

		£	s.	d.	£	s.	d.
NAVY - - - - - - -					240,299	1	5
CIVIL SERVICES:—							
CLASS I.	Royal Palaces - -	1,665	16	2			
	Royal Parks and Pleasure Gardens - - -	3,423	11	9			
	County Court Buildings -	498	15	2			
	Surveys of the United Kingdom - - -	5,627	4	6			
	British Consulate Houses, Constantinople, &c. -	2,866	17	5			
CLASS II.	House of Commons Offices -	102	4	2			
	Colonial Office - -	901	5	2			
	Board of Trade - -	810	17	10			
	Civil Service Commission -	123	14	6			
	Registrar of Friendly Societies	58	18	9			
	Exchequer and other Offices in Scotland - -	114	13	11			
	General Register Office, Ireland - - -	777	5	11			
	Office of Public Works, Ireland - - -	463	10	5			
CLASS III.	Land Registry Office -	2	7	6			
	Metropolitan Police - -	8	6	7			
	Convict Establishments in England and the Colonies	20,110	16	1			
	Broadmoor Criminal Lunatic Asylum, England -	205	5	0			
	Court of Probate, Ireland -	1,099	16	9			
	County Prisons and Reformatories, Ireland - -	414	2	5			
	Dundrum Criminal Lunatic Asylum, Ireland - -	3	9	2			
CLASS IV.	University of London -	32	2	2			
	National Gallery of Ireland -	36	11	4			
	Queen's University in Ireland	100	10	4			

		£ s. d.	£ s. d.	Sched. (B.) Part 1. Deficiencies.
Class V.	Diplomatic Services -	6,940 13 10		
	Tonnage Bounties, &c., and Liberated African Department - - -	1,074 1		
Class VI.	Miscellaneous Charitable and other Allowances, Ireland	45 11 11		
Class VII.	Temporary Commissions -	2,482 3 8		
	Deep Sea Exploring Expedition - - -	711 16 3		
			50,702 9 8	

Revenue Departments.

	£ s. d.	£ s. d.
Post Office - - -	36,575 2 1	
Post Office Telegraph Service -	109,790 8 2	
		146,365 10 3
Advances for Greenwich Hospital and School -		2,139 7 7
	£	439,506 8 11

SCHEDULE (B.)—PART 2.

Sched. (B.) Part 2. Supplementary.

SUPPLEMENTARY.

SCHEDULE of SUPPLEMENTARY SUMS granted to defray the charges for the Services herein particularly mentioned for the year ended on the 31st day of March 1875; viz.:—

NAVY, viz.:—		
Charges on account of Arctic Expedition	£98,620	
Steam Machinery, &c. Breaking up Ships - - - - -	3,000	
Miscellaneous Services - - -	9,000	
		110,620
ASHANTEE EXPEDITION:—		
Towards defraying the expense of the expedition into Ashantee - - - - - -		£25,000

		£
CIVIL SERVICES:—		
Class I.	Furniture of Public Offices -	2,000
	Surveys of the United Kingdom	5,500
	Wellington Monument - -	750
	British Embassy Houses and Consular and Legation Buildings - - - -	4,000
	Marlborough House - -	3,000
Class II.	Home Office and Subordinate Departments - -	600
	Colonial Office - - -	1,250
	Charity Commission - -	3,108
	Exchequer and Audit Department	1,100
	Stationery Office and Printing -	25,000
	Register Office, General, Scotland	962
	Chief Secretary for Ireland, Offices - - -	375
	Local Government Board, Ireland	1,604
	Public Record Office, Ireland -	150
	Public Works Office, Ireland -	830
	Register Office, General, Ireland - - - -	540
	General Survey and Valuation of Ireland - - -	15,887

SCHED. (B.) PART 2. Supplementary.

		£	
CLASS III.	Law Charges - - -	10,000	
	London Bankruptcy Court -	1,540	
	Miscellaneous legal Charges, England - - -	210	
	Court of Bankruptcy, Ireland -	957	
	Registry of Deeds, Ireland -	365	
	County prisons and reformatories, Ireland - -	1,547	
	Dundrum Criminal Lunatic Asylum, Ireland - -	150	
	Miscellaneous legal Charges, Ireland - - -	750	
CLASS IV.	National Portrait Gallery -	296	
	Learned Societies - -	1,547	
	Public Education, Ireland -	18,700	
	National Gallery, Ireland -	100	
	Queen's University, Ireland -	223	
CLASS V.	Diplomatic Services - -	2,000	
	Colonies, grants in aid - -	3,186	
	Tonnage bounties - -	18,000	
CLASS VII.	Temporary Commissions -	2,760	
	Miscellaneous Expenses -	2,830	
	Repayments to Civil Contingencies Fund - -	13,247	
	Ashantee Expedition (Gratuities, &c.) - - - - -	33,992	
	Mediterranean Extension Telegraph Company - -	4,859	
			183,915
	REVENUE DEPARTMENTS.		
	Post Office Telegraph Service - -	—	123,620
			£443,155

SCHED. (B.) PART 3. Navy.

SCHEDULE (B.)—PART 3.

NAVY.

SCHEDULE of SUMS granted to defray the charges of the NAVY SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1876; viz.:—

No.		Sums not exceeding £
1.	For wages, &c. to 60,000 seamen and marines - -	2,644,062
2.	For victuals and clothing for seamen and marines -	1,107,781
3.	For the expense of the Admiralty Office - -	183,916
4.	For the expense of the coast guard service, the royal naval reserve, and seamen and marine pensioners reserve, and royal naval artillery volunteers - -	188,505
5.	For the expense of the several scientific departments of the navy - - - - - -	107,324
6.	For the expense of the dockyards and naval yards at home and abroad - - - - -	1,326,649
7.	For the expense of the victualling yards at home and abroad - - - - - -	75,548
8.	For the expense of the medical establishments at home and abroad - - - - - -	64,644

SCHED. (B.) PART 3. Navy.

No.		Sums not exceeding £
9.	For the expense of the royal marine divisions - -	18,868
10.	For naval stores for the building, repair, and outfitting the fleet and coast guard - - - -	1,285,770
10.	For steam machinery, and for payments to be made for ships building by contract - - - -	903,608
11.	For new works, buildings, machinery, and repairs in the naval establishments - - - - -	644,751
12.	For medicines, medical stores, &c. - - -	73,530
13.	For martial law and law charges - - -	15,904
14.	For the expense of various miscellaneous services -	156,423
15.	For half pay, reserved and retired pay to officers of the navy and royal marines - - - -	889,511
16.	For military pensions and allowances - - -	681,781
16.	For civil pensions and allowances - - -	284,529
17.	For freight of ships, for the victualling and conveyance of troops, on account of the army department -	172,090
	TOTAL NAVY SERVICES - - £	10,825,194

SCHEDULE (B.)—PART 4.

SCHED. (B.) PART 4. Army

ARMY.

SCHEDULE of SUMS granted to defray the charges of the ARMY SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1876; viz.:—

No.		Sums not exceeding £
1.	For the general staff and regimental pay, allowances, and charges of Her Majesty's land forces at home and abroad, exclusive of India - - - - - -	4,543,000
2.	For divine service - - - - - - -	51,100
3.	For martial law - - - - - - -	26,700
4.	For the medical establishments and services - -	248,700
5.	For militia pay and allowances - - - -	685,300
6.	For the yeomanry cavalry - - - - -	78,900
7.	For the volunteer corps - - - - -	437,200
8.	For the army reserve force, including enrolled pensioners -	121,700
9.	For the commissariat and ordnance store establishments, wages, &c. - - - - - -	368,700
10.	For provisions, forage, fuel, transport and other services -	2,950,000
11.	For clothing establishments, services, and supplies -	758,100
12.	For the supply, manufacture, and repair of warlike and other stores, for land and sea service, including establishments of manufacturing departments - -	986,000
13.	For the superintending establishment of, and the expenditure for, works, buildings, and repairs at home and abroad - - - - - - -	799,700
14.	For military education - - - - -	141,800
15.	For miscellaneous services - - - - -	42,200
16.	For the administration of the army - - -	210,900

SCHED. (B.) PART 4. Army.

No.		Sums not exceeding £
17.	For rewards for distinguished services - - -	35,300
18.	For the pay of general officers - - - -	88,500
19.	For the full pay of reduced and retired officers and half pay	514,600
20.	For widows pensions and compassionate allowances -	146,900
21.	For pensions and allowances to wounded officers - -	16,400
22.	For Chelsea and Kilmainham hospitals, and the in-pensioners thereof - - - - - -	34,300
23.	For the out-pensioners of Chelsea hospital, &c. - -	1,201,500
24.	For superannuation allowances - - - -	167,500
25.	For the non-effective services of the militia, yeomanry cavalry, and volunteer corps - - - -	22,700
	TOTAL ARMY SERVICES - - £	14,677,700

SCHED. (B.) PART 5. Army Purchase Commission.

SCHEDULE (B.)—PART 5.

ARMY PURCHASE COMMISSION.

For the establishment of, and expenditure to be incurred by, the Army Purchase Commissioners, and for the purchase of the remaining Commissions of gentlemen-at-arms - - - - - - - - £	636,560

SCHED. (B.) PART 6. Civil Services. Class I.

SCHEDULE (B.)—PART 6.

CIVIL SERVICES.—CLASS I.

SCHEDULE of SUMS granted to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1876; viz.:—

No.		Sums not exceeding £
1.	For the maintenance and repair of the royal palaces -	30,907
2.	For the royal parks and pleasure gardens - - -	115,467
3.	For the maintenance and repair of public buildings in Great Britain; for providing the necessary supply of water; for rents of houses for the temporary accommodation of public departments, and charges attendant thereon - - - - - - - -	139,130
4.	For the supply and repair of furniture in the public departments in Great Britain - - - - - -	16,000
5.	For the buildings of the Houses of Parliament - -	31,246
6.	For erecting offices in Downing Street for the Secretaries of State for the Home and Colonial Departments, and Local Government Board, &c. - - - -	22,960
7.	For one half of the expense of erecting or improving court houses or offices for the sheriff courts in Scotland, and the expense of maintaining courts so erected or improved	14,776

SCHED. (B.) PART 6. Civil Services. Class I.

No.		Sums not exceeding £
8.	For works for the enlargement of the National Gallery -	14,109
9.	For erecting a new building on the site of the wings and on a portion of the courtyard of Burlington House, for the occupation of various learned bodies - -	3,090
10.	For erecting and maintaining certain works and buildings at the Post Office and Inland Revenue, and for certain other expenses in connexion with those departments -	160,000
11.	For maintenance and repair of British Museum buildings, rent of premises, supply of furniture, and other charges attendant thereon - - - - -	9,538
12.	For new buildings for county courts, maintenance and repair of courts, supply of furniture, fuel, &c., and other charges attendant thereon - - - -	46,680
13.	For erecting and maintaining new buildings for the Department of Science and Art - - - -	9,606
14.	For the survey of the United Kingdom, revision of the survey of Ireland, maps for Landed Estates Court, Ireland, publication of maps, and for engraving the geological survey - - - - -	133,500
15.	For constructing certain harbours, &c. under the Board of Trade - - - - - - -	7,949
	For contribution towards the establishment and maintenance of a fire brigade in the metropolis - -	10,000
17.	For rates and contributions in lieu of rates in respect of Government property, and for salaries and expenses of the rating of Government property department -	233,991
18.	For the Wellington monument - - - -	3,401
19.	For the erection of a Natural History Museum - -	80,000
20.	For maintenance and repair of buildings, and other expenses connected therewith, of the Metropolitan Police Courts - - - - - - - -	6,680
21.	For the purchase of a site, erection of building, and other expenses for new courts of justice and offices - -	76,100
22.	For grant in aid of the expenses of Ramsgate Harbour -	550
23.	For the formation of embankment of the Thames to correspond with terrace of the new Palace at Westminster -.	10,000
24.	For providing additional accommodation at Marlborough House - - - - - - - -	550
25.	For erection, repairs, and maintenance of the several public buildings in the department of the Commissioners of Public Works in Ireland - - - -	177,211
26.	For erecting and maintaining certain lighthouses abroad -	17,410
27.	For the British embassy houses, consular and legation buildings, &c. in China, Japan, Constantinople, Therapia, Madrid, Paris, Tehran, Vienna, Washington, and Lisbon - - - - - - - -	71,638
	TOTAL CIVIL SERVICES, CLASS I. - £	1,442,489

SCHED. (B.) PART 7.
Civil Services. Class II.

SCHEDULE (B.)—PART 7.

CIVIL SERVICES.—CLASS II.

SCHEDULE of SUMS granted to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1876; viz.:—

No.		Sums not exceeding £
1.	For salaries and expenses in the offices of the House of Lords	43,946
2.	For salaries and expenses in the offices of the House of Commons	52,151
3.	For salaries and expenses of the department of Her Majesty's Treasury	57,016
4.	For salaries and expenses of the office of Her Majesty's Secretary of State for the Home Department and subordinate offices	87,872
5.	For salaries and expenses of the department of Her Majesty's Secretary of State for Foreign Affairs	61,792
6.	For salaries and expenses of the department of Her Majesty's Secretary of State for the Colonies	33,238
7.	For salaries and expenses of the department of Her Majesty's Most Honourable Privy Council and subordinate departments	35,052
8.	For salaries and expenses of the office of the Committee of Privy Council for Trade, and of the subordinate departments	126,631
9.	For the salaries and expenses of the office of the Lord Privy Seal	2,749
10.	For salaries and expenses of the Charity Commission for England and Wales	33,401
11.	For the salaries and expenses of the Civil Service Commission	20,483
12.	For the salaries and expenses of the office of the Copyhold, Inclosure, and Tithe Commission	18,504
13.	For the imprest expenses under the Inclosure and Drainage Acts	8,600
14.	For salaries and expenses of the department of the Comptroller and Auditor General of the Exchequer	45,325
15.	For salaries and expenses of the offices of the Registrars of Friendly Societies in England, Scotland, and Ireland	2,998
16.	For salaries and expenses of the Local Government Board, and certain grants in aid of Local Expenditure	695,529
17.	For the salaries and expenses of the office of the Commissioners in Lunacy in England	15,004
18.	For the salaries and expenses of the Mint, including expenses of the coinage	54,050
19.	For salaries and expenses of the National Debt Office	16,980
20.	For charges connected with the Patent Law Amendment Act	22,050
21.	For salaries and expenses of the department of Her Majesty's Paymaster General in London and Dublin	22,861
22.	For salaries and expenses of the Public Record Office in England	22,970
23.	For salaries and expenses of the establishments under the Public Works Loan Commissioners, and the West India Islands Relief Commissioners	4,999

SCHED. (B.) PART 7. Civil Services. Class II.

No.		Sums not exceeding £
24.	For salaries and expenses of the department of the Registrar General of Births, &c. in England - -	45,101
25.	For stationery, printing, binding, and printed books for the several public departments in England, Scotland, and Ireland, and some dependencies, and for stationery, printing, binding, and paper. for the two Houses of Parliament, including the salaries and expenses of the Stationery Office and Gazette Offices - - -	480,993
26.	For salaries and expenses of the office of Woods, Forests, and Land Revenues, and of the office of Land Revenue Records and Inrolments - - - -	25,014
27.	For salaries and expenses of the office of the Commissioners of Her Majesty's Works and Public Buildings -	44,590
28.	For Her Majesty's foreign and other secret services -	24,000
29.	For salaries and expenses of the department of the Queen's and Lord Treasurer's Remembrancer in the Exchequer, Scotland, of certain officers in Scotland, and other charges formerly paid from the hereditary revenue -	6,352
30.	For salaries and expenses of the Fishery Board in Scotland	12,567
31.	For salaries and expenses of the Board of Lunacy in Scotland - - - - - - - -	5,960
32.	For salaries and expenses of the department of the Registrar General of Births, &c. in Scotland - -	6,645
33.	For salaries and expenses of the Board of Supervision for Relief of the Poor and for Public Health in Scotland -	80,135
34.	For salaries of the officers and attendants of the household of the Lord Lieutenant of Ireland and other expenses -	6,960
35.	For salaries and expenses of the offices of the Chief Secretary to the Lord Lieutenant of Ireland in Dublin and London, and subordinate departments - - -	26,765
36.	For salaries and expenses connected with the boundary survey, Ireland - - - - -	415
37.	For salaries and expenses of the office of the Commissioners of Charitable Donations and Bequests for Ireland - - - - - - - -	2,071
38.	For salaries and expenses of the Local Government Board, Ireland - - - - - - - -	122,944
39.	For salaries and expenses of the Public Record Office, and of the Keeper of the State Papers in Ireland - -	5,571
40.	For salaries and expenses of the office of Public Works in Ireland - - - - - - - -	27,861
41.	For salaries and expenses of the department of the Registrar General of Births, &c., and for expenses of collecting agricultural and emigration statistics and of taking the Census in Ireland - - - -	18,931
42.	For salaries and expenses of the general valuation of Ireland - - - - - - -	22,000
43.	For contribution in aid of the local cost of maintenance of Pauper Lunatics, Ireland - - - -	55,692
	TOTAL CIVIL SERVICES, CLASS II. - £	2,504,768

SCHED. (B.) PART 8.
Civil Services. Class III.

SCHEDULE (B.)—PART 8.

CIVIL SERVICES.—CLASS III.

SCHEDULE of SUMS granted to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1876; viz.:—

No.		Sums not exceeding £
1.	For the salaries of the law officers of the Crown, and the law charges, salaries, allowances, and incidental expenses, including prosecutions relating to coin, in the department of the solicitor for the affairs of Her Majesty's Treasury - - - - - -	53,396
2.	For criminal prosecutions at assizes and quarter sessions in England, including adjudications under the Criminal Justice and the Juvenile Offenders Acts, sheriffs expenses, salaries to clerks of assize and other officers, and for compensation to clerks of the peace - - -	180,079
3.	For such salaries and expenses of the Court of Chancery in England as are not charged upon the Consolidated Fund - - - - - - -	173,079
4.	For such salaries and expenses of the Superior Courts of Common Law in England as are not charged upon the Consolidated Fund - - - - -	61,926
5.	For such salaries and expenses of the London Bankruptcy Court as are not charged upon the Consolidated Fund	51,535
6.	For salaries and expenses of the county courts - -	399,658
7.	For salaries and expenses of the courts of Probate and Divorce and Matrimonial Causes in England - -	91,686
8.	For salaries and expenses in the offices of the Registrar and Marshal of the High Court of Admiralty in England - - - - - - -	12,242
9.	For salaries and expenses of the Office of Land Registry -	5,398
10.	For salaries and expenses of the police courts of London and Sheerness - - - - - -	14,074
11.	For the salaries and expenses of the metropolitan police, including the salaries of the Commissioner, Assistant Commissioners, and Receiver, the mounted police, river police, police van service, and the superannuations of the late horse and foot patrol - - - -	410,395
12.	For certain expenses connected with the police in counties and boroughs in England and Wales, and with the police in Scotland - - - - -	734,098
13.	For the superintendence of convict establishments and for the maintenance of convicts in convict establishments in England and the Colonies - - - -	446,227
14.	For maintenance of prisoners in county and borough prisons, and of criminal lunatics in private asylums in Great Britain - - - - - -	101,490
15.	For the maintenance of juvenile offenders in reformatory and industrial schools in Great Britain, and of the Inspectors of Reformatories - - - -	229,527
16.	For maintenance of criminal lunatics in Broadmoor Criminal Lunatic Asylum, England - - -	30,258
17.	For miscellaneous legal charges in England - -	18,690

SCHED. (B.) PART 8. Civil Services. Class III.

No.		Sums not exceeding £
18.	For salaries and incidental expenses connected with criminal proceedings in Scotland - - - -	68,405
19.	For salaries and expenses of the Courts of Law and Justice in Scotland and other legal charges - -	58,996
20.	For salaries and expenses of the offices in Her Majesty's General Register House, Edinburgh - - -	31,816
21.	For the joint departments of prisons and judicial statistics in Scotland, and for maintenance of prisoners in the prisons at Perth (including establishments for criminal lunatics), Ayr, and Paisley - - - -	24,621
22.	For the expense of criminal prosecutions and other law charges in Ireland - - - - -	78,153
23.	For such of the salaries and expenses of the Court of Chancery in Ireland as are not charged on the Consolidated Fund - - - - -	43,651
24.	For such of the salaries and expenses of the Superior Courts of Common Law in Ireland as are not charged on the Consolidated Fund - - - -	27,440
25.	For salaries and the incidental expenses of the Court of Bankruptcy and Insolvency in Ireland - -	9,335
26.	For salaries and expenses of the Landed Estates Court in Ireland - - - - - - -	12,481
27.	For salaries and expenses of the Court of Probate and of the District Registries in Ireland - - -	11,623
28.	For salaries and expenses of the Admiralty Court Registry in Ireland - - - - - -	1,705
29.	For salaries and expenses of the Office for the Registration of Deeds in Ireland - - - - -	18,391
30.	For salaries and expenses in the Office for the Registration of Judgments in Ireland - - - -	3,153
31.	For salaries and expenses of the Commissioners of Police, of the police courts and of the metropolitan police establishment, Dublin - - - - -	135,118
32.	For the constabulary force, Ireland - - -	1,073,037
33.	For the superintendence and inspection of Government prisons, for the Office of Registrar of Habitual Criminals, and for the maintenance of convicts in Government prisons in Ireland - - - -	41,000
34.	For maintenance of prisoners in county and borough prisons, and the expenses of reformatories and industrial schools in Ireland - - - -	90,221
35.	For maintenance of criminal lunatics in Dundrum Criminal Lunatic Asylum, Ireland - - - -	5,581
36.	For certain miscellaneous legal expenses in Ireland -	69,766
	TOTAL CIVIL SERVICES, CLASS III. - £	4,818,251

SCHED. (B.) PART 9. Civil Services. Class IV.

SCHEDULE (B.)—PART 9.

CIVIL SERVICES.—CLASS IV.

SCHEDULE of SUMS granted to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1876; viz.:—

No.		Sums not exceeding £
1.	For public education in England and Wales - -	1,548,563
2.	For the salaries and expenses of the Department of Science and Art, and of the establishments connected therewith - - - - - -	286,252
3.	For salaries and expenses of the British Museum, including the amount required for furniture, fittings, &c.	109,176
4.	For salaries and expenses of the National Gallery, London	8,226
5.	For salaries and expenses connected with the formation of the National Portrait Gallery - - - -	1,956
6.	For grants in aid of the expenditure of certain learned societies in Great Britain and Ireland - - -	12,550
7.	For salaries and expenses of the University of London -	10,068
7a.	For grant in aid of the Sub-Wealden Exploration -	1,000
8.	For public education in Scotland - - - -	356,410
9.	For salaries and expenses of the Board of Education for Scotland - - - - - -	6,497
10.	For grants to Scottish universities - - -	18,250
11.	For the annuity to the Board of Trustees in Scotland, in discharge of equivalents under the Treaty of Union, to be applied in maintenance of the National Gallery, School of Art and Antiquarian Museum, Scotland, and for the exhibition of the Torrie Collection, and for other purposes - - - - - -	2,100
12.	For public education under the Commissioners of National Education in Ireland - - - - -	639,368
13.	For the salary and expenses of the Office of the Commissioners of Education in Ireland (Endowed Schools)	655
14.	For salaries and expenses of the National Gallery of Ireland, and for the purchase of pictures - - -	2,339
15.	In aid of the Royal Irish Academy - - -	2,000
16.	For the Queen's University in Ireland - - -	4,698
17.	In aid of the expenses of the Queen's Colleges in Ireland	5,976
	TOTAL CIVIL SERVICES, CLASS IV. - £	3,016,084

SCHEDULE (B.)—PART 10.

SCHED. (B.) PART 10. Civil Services. Class V.

CIVIL SERVICES.—CLASS V.

SCHEDULE of SUMS granted to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1876; viz.:—

No.		Sums not exceeding £
1.	For the expenses of Her Majesty's embassies and missions abroad	198,742
2.	For the consular establishments abroad, and for other expenses chargeable on the consular vote	248,039
3.	In aid of colonial local revenue and for the salaries and allowances of governors, &c., and for other expenses in certain colonies	82,705
4.	For the charge of the Orange River Territory (Cape of Good Hope) and the island of St. Helena	3,335
5.	For expenses of the mixed commissions established under the treaties with foreign powers for suppressing the traffic in slaves, and towards defraying the cost of the agency and consulate general at Zanzibar	3,982
6.	For tonnage bounties and bounties on slaves, and for expenses of the Liberated African department	12,173
7.	For the Emigration Board, and for certain other expenses connected with emigration from this country	5,526
8.	For expenses on account of the Treasury chest	5,000
	TOTAL CIVIL SERVICES, CLASS V. £	559,502

SCHEDULE (B.)—PART 11.

SCHED. (B.) PART 11. Civil Services. Class VI.

CIVIL SERVICES.—CLASS VI.

SCHEDULE of SUMS granted to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1876; viz.:—

No.		Sums not exceeding £
1.	For superannuation and retired allowances to persons formerly employed in the public service	430,359
2.	For pensions to masters and seamen of the merchant service, and to their widows and children	36,700
3.	For the relief of distressed British seamen abroad	31,000
4.	For the support of certain hospitals and infirmaries, Ireland	18,671
5.	For miscellaneous, charitable, and other allowances in Great Britain	4,837
6.	For certain miscellaneous, charitable, and other allowances in Ireland	5,188
	TOTAL CIVIL SERVICES, CLASS VI. £	526,755

SCHED. (B.) PART 12.
Civil Services. Class VII.

SCHEDULE (B.)—PART 12.

CIVIL SERVICES.—CLASS VII.

SCHEDULE of SUMS granted to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1876; viz.:—

No.		Sums not exceeding £
1.	For salaries and incidental expenses of temporary commissions - - - - - - -	34,822
2.	For expenses of an Expedition for the purpose of pursuing a course of physical and biological investigations of the oceanic regions of the globe - - - -	3,420
3.	For expenses of the Arctic expedition - - -	1,217
4.	For certain miscellaneous expenses - - -	5,873
5.	For a grant in aid of the expenses of the British section of the Paris International Maritime Exhibition of 1875 -	2,000
6.	For expenses of the entertainment of the Sultan of Zanzibar - - - - - - - -	7,500
7.	For the repayment of moneys under the London and North-western Railway Company, New Lines, &c., Act, 1875 - - - - - - - -	8,250
8.	For grant in aid of the expenses of His Royal Highness the Prince of Wales on the occasion of his visit to India	60,000
	TOTAL CIVIL SERVICES, CLASS VII. - £	123,082

SCHED. (B.) PART 13.
Revenue Departments.

SCHEDULE (B.)—PART 13.

REVENUE DEPARTMENTS, &c.

SCHEDULE of SUMS granted to defray the charges of the several REVENUE DEPARTMENTS, &c. herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1876; viz.:—

No.		Sums not exceeding £
1.	For the salaries and expenses of the Customs Department	996,896
2.	For the salaries and expenses of the Inland Revenue Department - - - - - - -	1,697,172
3.	For salaries and expenses of the Post Office services, the expenses of Post Office savings banks, and of Government annuities and insurances, and of the collection of the Post Office revenue - - - -	3,036,210

SCHED. (B.) PART 13. Revenue Departments.

No.		Sums not exceeding £
4.	For the Post Office packet service (*a*) - - -	878,688
5.	For the salaries and expenses of the Post Office telegraph service - - - - - - - -	1,097,714
	TOTAL REVENUE DEPARTMENTS - - £	7,706,680

(*a*) No part of this sum is to be applicable or applied in or towards making any payment in respect of any period subsequent to the 20th day of June 1863 to Mr. Joseph George Churchward, or to any person claiming through or under him, by virtue of a certain contract, bearing date the 26th day of April 1859, made between the Lords Commissioners of Her Majesty's Admiralty (for and on behalf of Her Majesty) of the first part, and the said Joseph George Churchward of the second part, or in or towards the satisfaction of any claim whatsoever of the said Joseph George Churchward by virtue of that contract, so far as relates to any period subsequent to the 20th day of June 1863.

SCHEDULE (B.)—PART 14. SCHED. (B.) PART 14.

GREENWICH HOSPITAL AND SCHOOL.

	£
Advances during the year ending 31st March 1876 for defraying the expenses of Greenwich Hospital and School - -	145,088

CHAPTER 79.

An Act to amend the Law relating to Legal Practitioners. [13th August 1875.]

WHEREAS it is expedient to amend the law relating to legal practitioners:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as "The Legal Practitioners Act, 1875." Short title.

2. The Act specified in the first column of the schedule annexed hereto is hereby repealed to the extent specified in the third column of the said schedule, except as to anything heretofore duly done thereunder, and except so far as may be necessary for the purpose of supporting and continuing any proceedings taken before the passing of this Act. Amendment of s. 37. of 6 & 7 Vict. c. 73.

It shall be lawful for any judge of the superior courts of law and equity to authorise an attorney or solicitor to commence an action or suit for the recovery of his fees, charges,

or disbursements against the party chargeable therewith, and also to refer his bill of fees, charges, and disbursements, and the demand of such attorney and solicitor thereupon, to be taxed and settled by the proper officer of the court in which such reference shall be made, although one month shall not have expired from the delivery of the bill of fees, charges, or disbursements, on proof to the satisfaction of the said judge that there is probable cause for believing that the party chargeable therewith is about to quit England or to become a bankrupt or a liquidating or compounding debtor, or to take any other steps or do any other act which, in the opinion of the judge, would tend to defeat or delay such attorney or solicitor in obtaining payment.

Extent of Act.

3. This Act shall not extend to Scotland or Ireland.

SCHEDULE.

Date of Act.	Title.	Extent of Repeal.
6 & 7 Vict. c. 73.	An Act for consolidating and amending several of the laws relating to attorneys and solicitors practising in England and Wales.	Section 37, from "Provided "also, that it shall be "lawful for any judge "of the superior courts "of law and equity" to end of section.

CHAPTER 80.

An Act to amend the Act of the twenty-first year of the reign of King George the Third, chapter forty-nine, intituled "An Act for preventing certain "abuses and profanations on the Lord's Day called "Sunday," and for further amending the law concerning the remission of penalties.

[13th August 1875.]

WHEREAS it is expedient to amend the said Act, and to provide for the remission of certain penalties:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Power of the Crown to remit penalties.

1. Whereas doubts are entertained as to the power of the Crown to remit penalties and forfeitures incurred under the said Act of the twenty-first year of the reign of King George

the Third, chapter forty-nine, by reason of its being contended that the power of the Crown to remit such penalties and forfeitures does not extend to penalties and forfeitures recovered in penal actions, and it is expedient to remove such doubts: Be it therefore enacted that—

It shall be lawful for Her Majesty to remit in whole or in part any penalty, fine, or forfeiture imposed or recovered for any offence under the said Act, whether on indictment, information, or summary conviction, or by action, or any other process.

2. This Act may be cited as the Remission of Penalties Act, 1875. Short title.

CHAPTER 81.

An Act to authorise the payment out of the Consolidated Fund of the United Kingdom of the Salary of an additional Sheriff Substitute in Scotland; and for other purposes. [13th August 1875.]

WHEREAS it is expedient to make further provision for the efficient administration of justice in the county of Lanark and city and royal burgh of Glasgow, and in order thereto it may be necessary to appoint one additional sheriff substitute for such county, and a police magistrate for such city and royal burgh:

And whereas doubts have arisen as to the power of the Commissioners of Her Majesty's Treasury to grant a salary to such one additional sheriff substitute, and it is expedient that such doubts should be removed:

And whereas it is expedient to make other provisions in regard to the appointment and duties of sheriffs substitute in Scotland:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. It shall be lawful to grant such salary, not exceeding one thousand pounds by the year and not less than seven hundred pounds by the year, as to the Commissioners of Her Majesty's Treasury may seem meet, to the additional sheriff substitute for the county of Lanark to be appointed after the passing of this Act; and every such salary shall be paid by four equal quarterly instalments out of the Consolidated Fund of the United Kingdom. Commissioners of Treasury may grant salary to an additional sheriff substitute for Lanarkshire.

2. It shall be lawful for one of Her Majesty's Principal Secretaries of State to direct, if he shall think fit, that the sheriff substitute of one county shall perform the duties of sheriff substitute in a conterminous county; and any such Secretary of State may direct sheriff substitute of one county to

act within conterminous county.

direction shall be equivalent in all respects to a commission from the sheriff of such conterminous county in favour of the sheriff substitute so directed.

Appointment of police magistrate for city and royal burgh of Glasgow.

3. It shall be lawful for one of Her Majesty's Principal Secretaries of State, on the application of the Lord Provost, magistrates, and council of the city and royal burgh of Glasgow, to appoint a police magistrate of the said city and royal burgh, and to fix the salary to be paid to such police magistrate, not exceeding one thousand pounds by the year and not less than five hundred pounds by the year; and the person to be so appointed shall possess the qualifications required for a sheriff substitute in Scotland; and such police magistrate shall within the city and royal burgh of Glasgow have and may lawfully exercise all jurisdictions, powers, and authorities now competent to or exerciseable by the magistrates of the said city and royal burgh as judges of police under and in virtue of "The Glasgow Police Act, 1866," or any Act amending the same, in the same way and to the same effect as if he were a magistrate in terms of the said Act or any amending Act; and he shall also have and may lawfully exercise all jurisdictions, powers, and authorities now competent to the bailie of the river and firth of Clyde, and his depute, in the same way and to the same effect as if he were such bailie. When a vacancy shall occur in the said office of judge of police, the same may be supplied by an appointment made as herein-before directed in the case of an original appointment; and the said judge of police may be removed from his office by one of Her Majesty's Principal Secretaries of State for incompetency or misbehaviour. The said salary shall be payable by the board of police of Glasgow out of their police funds, rates, and revenues.

CHAPTER 82.

An Act to afford facilities for the erection, enlargement, improvement, and purchase of dwelling-houses for residences for Teachers of certain National Schools in Ireland. [13th August 1875.]

WHEREAS by an Act passed in the session of Parliament held in the twenty-ninth and thirtieth years of the reign of Her present Majesty, chapter forty, intituled "An "Act to authorise a further advance of Money for the "purposes of improvement of Landed Property in Ireland," after reciting that great benefits had been derived by means of loans under certain Acts therein recited and specified in the schedule to this Act annexed, the advance of a further sum of money for the purposes of the said Acts was authorised, and the objects for which such loans might be made were extended in the manner and subject to the conditions therein set forth:

And whereas for the purpose of affording facilities for obtaining loans for the erection, enlargement, improvement, or purchase of dwelling-houses as residences for national school teachers of schools in connexion with the Commissioners of National Education in Ireland which are not vested in the said Commissioners or in trustees for national school purposes (any of which schools is in this Act referred to as "a non-vested national school"), it is expedient to authorise the Commissioners of Public Works in Ireland, out of moneys issued to them, or to be issued to them, in pursuance of the provisions of any of the Acts specified in the schedule to this Act annexed, to make loans to the amount, upon the security, and upon the terms and conditions by this Act authorised:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as "The National School Teachers Residences (Ireland) Act, 1875."

Additional purposes for which loans may be made.

2. In addition to the purposes for which loans may be made under the provisions of any of the Acts specified in the schedule to this Act annexed, it shall be lawful for the Commissioners of Public Works, subject to such rules and regulations as may from time to time be made by the Commissioners of Her Majesty's Treasury, to make loans in such cases as the said Commissioners of Public Works may judge expedient, for the purpose of assisting any person in the erection, enlargement, structural improvement, or purchase of any dwelling-house for a residence for the teacher of a non-vested national school: Provided always, that the amount of any such loan shall not exceed two hundred and fifty pounds.

Loan to be repaid by annuity.

3. Every loan which shall be made under the provisions of this Act shall be repaid by the payment to Her Majesty of an annual sum of five pounds for every one hundred pounds of such loan from time to time advanced, and so on in proportion for any lesser amount, and to be payable for the term of thirty-five years, to be computed from the date of the advance in respect of which the said annual sum shall be charged, such annual sum to be paid by equal half-yearly payments on the fifth day of April and tenth day of October in every year during the said term of thirty-five years, with such apportionment, if any, as may be necessary in respect of the first and last of such payments: Provided always, that the amount of such annual sum may, by agreement, and with the sanction of the Commissioners of Her Majesty's Treasury be increased to such amount as will repay the sum so advanced sooner than the said period of thirty-five years herein-before appointed.

Rentcharge may be increased so as to repay sum advanced sooner than time appointed.

All lands upon which any buildings or erections may stand which shall be erected, enlarged, or improved, or which shall

have been purchased wholly or partly by means of a loan under this Act, and all such buildings and erections, shall be deemed to be and shall be well charged with the payment of such rentcharge, and that in priority to all charges and incumbrances whatsoever affecting the same, save and except quitrents and rentcharges in lieu of tithes, and except all charges prior in date (if any) existing under any of the Acts mentioned in the schedule to this Act: Provided always, that in case such lands or buildings shall be held under any grant or demise, nothing herein contained shall prejudice or affect the right of the grantor or lessor in any such grant or demise, or of any superior grantor or lessor.

Insurance of premises subject to loan.

4. When any loan shall be made under this Act, the said Commissioners of Public Works, if they think fit, may insure against damage by fire all buildings and erections then or thereafter standing or being on the lands and premises charged with such loan, such insurance to be effected in such insurance office or company, and in such sum of money, not exceeding the amount of such loan, as the said Commissioners shall from time to time direct; and the said Commissioners shall keep on foot such insurance as aforesaid, and all premiums paid thereon by the said Commissioners shall be deemed to be included in all charges and securities whereby repayment of such loan shall be secured, and shall be forthwith recoverable in like manner as any instalment of the rentcharge payable in respect of such loan.

Commissioners to make an order

5. The repayment of every loan which shall be made under the provisions of this Act shall be secured by an order of the said Commissioners of Public Works, under their common seal, and if they require it by the further security of at least three persons, the sufficiency and solvency of which persons shall be made out to the satisfaction of the said Commissioners; such security to be subject to such conditions as the said Commissioners shall deem to be proper; and every such order shall set forth the amount of such loan, the names of the persons to whom or on whose application and on whose security the same has been made, and a description of the lands or premises charged therewith.

In all cases where the said Commissioners shall have made any such order they shall execute a duplicate thereof, under their common seal, and forthwith cause the said duplicate order to be lodged with the registrar of deeds in the office for registry of deeds in the city of Dublin, and the registrar of the said registry office, his and their assistants, deputies, and other officers, shall register the same in the same manner as any deeds or instruments are registered in said office, and shall enter a memorial thereof in the abstract books and indexes of or relating to memorials registered and kept in the said office, and shall return such registry in any search made

in such registry office: Provided always, that no fees shall be payable in respect of such registration.

6. No order, mortgage, bond, obligation, security, contract, agreement, or other instrument whatsoever executed under the provisions of this Act, nor any memorial thereof for registration, shall be liable to any stamp duty whatever. Mortgages, bonds, &c. under this Act exempt from stamp duty.

7. Except as by this Act expressly provided, all the powers, provisions, matters, and things in the Acts specified in the schedule to this Act annexed, or any of them, contained or referred to, and relating to the security for and repayment and recovery of loans under the provisions of the same, shall be deemed to apply to all loans made under this Act, and to the security for, repayment, and recovery of the same, in like manner in every respect as if such loans were made under the authority of the said Acts or of any of them. Provisions of former Acts to apply.

8. This Act and the Acts specified in the schedule to this Act annexed shall be read together and construed as one Act, save so far as the provisions of this Act may be inconsistent with the provisions of the aforesaid Acts or of any of them. This and former Acts to be construed as one Act.

SCHEDULE.

10 & 11 Vict. c. 32.	Acts recited in 29 & 30 Vict. c. 40.
12 & 13 Vict. c. 23.	
12 & 13 Vict. c. 59.	
13 & 14 Vict. c. 31.	
13 & 14 Vict. c. 113.	
15 & 16 Vict. c. 34.	
23 & 24 Vict. c. 19.	
25 & 26 Vict. c. 29.	
24 & 25 Vict. c. 71.	
29 & 30 Vict. c. 40.	

CHAPTER 83.

An Act to amend the Law relating to Securities for Loans contracted by Local Authorities.

[13th August 1875.]

WHEREAS it is expedient to amend the law relating to securities for loans contracted by local authorities:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

(1.) *Preliminary.*

1. This Act may be cited for all purposes as "The Local Loans Act, 1875." Short title.

Limits of Act.

2. This Act shall not extend to Scotland or Ireland.

Commencement of Act.

3. This Act shall come into operation on the first day of January one thousand eight hundred and seventy-six, which day is herein-after referred to as the commencement of this Act.

Definition of borrowing under Act.

4. A local authority shall be deemed to borrow, subject to the provisions of this Act, whenever it raises a loan by the issue of debentures or debenture stock or annuity certificates, purporting to be created under its powers, or partly in one way and partly in another; subject to this proviso, that where a loan is directed to be raised by debentures or debenture stock or annuity certificates under this Act, the prescribed mode only shall be adopted.

(2.) *Debentures.*

Regulations as to debentures.

5. A debenture under this Act shall be an instrument taking effect as a deed, and charging the local rate or property in such debenture specified with payment, as in the debenture mentioned, of the principal sum and interest therein specified.

Where a debenture under this Act charges property other than the local rate, and it is intended that in default of payment of the principal sum due on such debenture, or of the interest thereon, the property is to be sold, a statement to that effect shall be inserted in the debenture.

The principal sum may be made payable to the bearer of the debenture, or to a person to be named therein, his executors, administrators, or assigns.

A debenture in which the principal sum is made payable to the bearer shall be transferable by delivery.

A debenture in which the principal sum is made payable to a person named therein, his executors, administrators, or assigns, is in this Act referred to as a nominal debenture, and shall be transferable by writing in manner directed by the local authority.

There may be attached to a debenture under this Act, or be thereafter issued in respect thereof, or partly in one way and partly in the other, coupons making the interest as therein mentioned payable to the bearer of each coupon, or to the person named in each coupon or his order, or the interest on a debenture may be made payable to the owner for the time being of such debenture, or may be otherwise made payable in such manner as in the said debenture mentioned.

A coupon making the interest therein mentioned payable to the person named therein or his order is in this Act referred to as a coupon payable to order.

A debenture under this Act shall not be issued for a less sum than the prescribed sum, or, where no sum is prescribed, than twenty pounds.

(3.) *Debenture Stock.*

6. A debenture stock may be created and issued by a local authority having power to raise a loan or any part thereof by the issue of debenture stock. Such debenture stock shall be of a nominal amount, not exceeding the amount of money authorised to be raised by such stock, and shall, unless otherwise provided by the conditions of issue, be redeemable at par at the option of the local authority at such times and upon such conditions as the local authority may declare at the time of the issue thereof.

Regulations as to debenture stock.

The title of any person to any share in debenture stock shall be evidenced by the entry in the register as in this Act mentioned of the name of such person as owner of such share.

Debenture stock shall bear such rate of interest, to be payable at such times as the local authority may declare at the time of issue of the stock.

Debenture stock and the interest thereon shall be a charge on the local rate or property specified at the time of the issue thereof, in the same manner as if it were a principal sum and interest charged thereon by deed.

Where debenture stock and the interest thereon is a charge on property other than the local rate, and it is intended that in default of the payment of the interest thereon, or for the purpose of raising the money required for the redemption of the stock, the property is to be sold, a declaration to that effect shall be made by the local authority at the time of the issue of the stock, and shall be deemed to form one of the conditions of such issue.

Debenture stock shall have all the incidents of personal estate, and shall, subject to the provisions of this Act, be transferable by writing in manner directed by the local authority.

The interest on any share of debenture stock shall be recoverable by the owner of such share in the same manner in all respects as if such interest were an annuity of like amount secured to him by an annuity certificate under this Act.

The owner of any share in debenture stock shall not be entitled to require payment of the nominal amount of stock held by him, except at the time and upon the conditions declared by the local authority at the time of the issue of such stock.

The conditions of issue of debenture stock shall be declared by the local authority at the time of such issue, and a printed copy of such conditions shall be supplied to every owner of debenture stock requiring the same, and shall be entered in the register of such stock.

The local authority may, if it thinks fit, on the application of the owner of any share in debenture stock, grant to him a

certificate of title to his share in such stock, or any part of such share, with coupons attached entitling the bearer of the coupons to the interest on the share or part of a share specified in such certificate.

A certificate of title to a share in debenture stock under this section (in this Act called a stock certificate to bearer) shall entitle the bearer to the stock therein described, and to the interest thereon, and shall be transferable by delivery.

Any share in stock in respect of which a stock certificate to bearer has been issued, shall, so long as such certificate is outstanding, cease to be dealt with through the medium of the register.

Debenture stock, in respect of which a stock certificate to bearer has not been issued, is in this Act referred to as nominal debenture stock.

(4.) *Annuity Certificates.*

Regulations as to annuity certificates.

7. An annuity certificate under this Act shall be an instrument taking effect as a deed, and charging the local rate or property in such certificate specified with payment, as in the certificate mentioned, of the annual sum therein specified.

Where an annuity certificate under this Act charges property other than the local rate, and it is intended that in default of payment of the annual sum secured by such annuity certificate, or of some part thereof, the property is to be sold, a statement to that effect shall be inserted in the annuity certificate.

The annual sum may be made payable to the bearer of the certificate or to a person to be named therein, his executors, administrators, or assigns.

An annuity certificate in which the annual sum is made payable to the bearer shall be transferable by delivery.

An annuity certificate in which the annual sum is made payable to a person named therein, his executors, administrators, or assigns, is in this Act referred to as a nominal annuity certificate, and shall be transferable by writing in manner directed by the local authority.

An annuity certificate under this Act shall not be issued for a less annual sum than the prescribed sum, or, where no sum is prescribed, than three pounds.

(5.) *Priority of Loans.*

Priority of loans.

8. All sums for the time being due or authorised to be raised on or in respect of any securities issued in respect of the same loan by a local authority under this Act shall be paid without any preference the one over the other by reason of the priority of date of any of such securities.

Where more than one loan has been raised under this Act by the same local authority, the sums for the time being due or authorised to be raised on or in respect of any securities

issued in respect of each loan shall take priority according to the date of such loan.

Where any sum of money is authorised to be borrowed in manner provided by this Act, such sum may, unless it is otherwise prescribed, be raised under this Act as one loan or several loans, as may be deemed most convenient by the borrowing authority, so that the aggregate amount authorised to be borrowed be not exceeded.

The date of each loan shall, with a view to the priority of the loan and to the period within which such loan is to be discharged, and for the other purposes of this Act, so far as relates to that period, be fixed by the local authority, and may be so fixed irrespectively of the dates of the particular securities issued in respect of such loan, so that the period within which the loan is required to be discharged be not exceeded.

(6.) *Notice of Trusts.*

Notice of trust not receivable.

9. No notice of any trust, expressed, implied, or constructive, shall be received by the local authority, or by any registrar or officer of the local authority, in relation to any security issued by such authority under this Act.

Owners of securities not responsible for acts of local authority.

10. A person advancing any money to a local authority and receiving in consideration of such advance any security under this Act, shall not be bound to inquire into the application of the money advanced, or be in any way responsible for the non-application or misapplication thereof.

(7.) *Remedy for Non-payment.*

Remedy by mandamus for non-payment of money.

11. The local authority shall pay or raise all sums for the time being due or authorised to be raised on or in respect of any security issued by them under this Act, and if default is made in payment of any sum so due, such sum shall be deemed to be a specialty debt due to the person entitled thereto from the local authority of such a nature that a mandamus will be granted to enforce the payment thereof; and an action may be brought accordingly, in which a mandamus may be claimed.

Remedy by appointment of receiver for non-payment of money.

12. Where a local authority makes default for a period of twenty-one days in paying an amount of not less than five hundred pounds (whether in one sum or separate sums) for the time being due on or in respect of any security issued under this Act, the persons entitled to the said amount, or any of such persons, may, instead of or in addition to bringing an action or actions, apply to the county court for the appointment of a receiver, and any receiver so appointed (subject to any direction which may be given by the court) shall from time to time raise as herein-after mentioned, by or out of the local rate or property charged, sufficient money to pay the amount the payment of which is so in default, and all

sums due while he is receiver on or in respect of any such security, together with all costs, charges, and expenses incurred in or about the appointment of such receiver and the execution of his duties under this section, including a proper remuneration for his trouble, and shall render to the defaulting authority the balance, if any, remaining in his hands after making the said payments.

Where the amount so due or authorised to be raised is charged on the local rate, the receiver may raise the money he is authorised to raise under this section by means of the local rate, and for that purpose shall have the same power as the defaulting authority of levying the local rate, and the receiver shall have such access to and use of the documents of the defaulting authority relative to the local rate as he may require.

Where the amount so due or authorised to be raised is charged on any property, other than the local rate, the receiver may raise the sum which he is authorised to raise under this section by receipt of the rents and profits of the property, and if the security involves a power of sale, as in this Act mentioned, by sale of the property in such manner and subject to such conditions of sale and otherwise as the court may direct.

A county court may appoint a receiver under this section with respect to any local rate levied, or any property situate wholly or partly within the jurisdiction of such court, and may remove such receiver and appoint another in his stead, and so from time to time; and may make such orders and give such directions as to the powers and duties of the receiver, and otherwise as to the disposal of the moneys received by him, as may be thought fit for carrying this section into effect.

(8.) *Discharge of Loan.*

Loan borrowed to be discharged within prescribed period.

13. Every loan borrowed in manner provided by this Act shall be discharged within the prescribed period from the date thereof, and if no period is prescribed, within the period of twenty years from the date thereof, which period of twenty years shall for the purposes of this Act be included under the term "prescribed period," and such discharge shall be secured by one or more of the following methods; that is to say,

By the issue of annuity certificates limited to expire within the prescribed period; or,

By the issue of debentures made payable in such a manner that in each year such number of debentures will become due and be paid off as will secure the repayment of the whole sum secured by such debentures by equal annual instalments, extending over the whole of the prescribed period, or over a less time than the prescribed period; or,

By the annual appropriation, as in this Act mentioned, of a fixed sum to the discharge of a certain portion of such loan; or,

Where a sinking fund is prescribed, but not otherwise, by the establishment of a sinking fund and the application thereof in manner in this Act mentioned.

Discharge of loan by appropriation of annual sum.

14. Where a fixed annual sum is appropriated to the discharge of a loan, or part of a loan, the local authority shall raise in every year an equal sum of money of such amount as will, at or before the expiration of the prescribed period, pay off the whole of such loan or part of a loan, and the interest thereon. The local authority shall in each year pay out of such fixed sum the interest due on the loan or part of a loan during the current year, and appropriate the residue of such sum, in the case of money borrowed on debentures, to the payment off of a corresponding amount of the principal sum secured by such debentures, and in the case of money borrowed by the issue of debenture stock to the redemption of a corresponding amount of such stock.

The debentures or portion of debenture stock to be paid off in every year shall be ascertained in such manner as may have been fixed at the time of the issue of the debentures or debenture stock, or may thereafter have been arranged. Where the debentures or portion of debenture stock to be paid off are or is to be determined by lot, the lots shall be drawn in presence of the local authority, and any owners of debenture or debenture stock who choose to be present; the local authority shall cause not less than one month's previous notice of the time and place at which lots are to be drawn to be given by advertisement, published once at the least in each of four successive weeks in some newspaper circulating in the district within which the local authority has jurisdiction.

Any fractional sum remaining of such residue as aforesaid, after payment of the debentures or debenture stock, payable as aforesaid, shall be carried to the credit of the annual sum to be raised in the ensuing year. All expenses incurred by the local authority in respect of any drawings by lot or otherwise in respect of the discharge of a loan shall be paid out of the current revenue of the local authority.

Discharge of loan by sinking fund.

15. Where a sinking fund is prescribed for any loan or part of a loan, the local authority shall create a sinking fund as herein-after mentioned; that is to say,

(1.) Such equal yearly or half-yearly sums shall be paid into the sinking fund in each year as, being accumulated at compound interest at the prescribed rate, or if no rate is prescribed, at such rate as in the opinion of the local authority, (regard being had to the securities in which they are authorised to make investments,) will at the expiration of some period not longer than the prescribed period, be sufficient, after payment of all expenses, to discharge such loan or part of a loan; and,

(2.) The first of such payments shall be made within one year from the date of the loan; and,

(3.) All sums paid into the sinking fund shall be, as soon as may be, invested by the local authority in the prescribed manner, and if no manner is prescribed, or if a manner having been prescribed, the Local Government Board shall assent, in securities in which trustees are by law for the time being authorised to invest, or in debentures, debenture stock, or annuity certificates issued under this Act, and any such investments may be from time to time varied or transposed, and all dividends and other annual sums received in respect of such investments shall, as soon as may be after they are received, be paid into the sinking fund and invested by the local authority in like manner; and,

(4.) The local authority may from time to time apply the sinking fund, or any part thereof, in or towards the discharge of the loan or part of a loan for which it was created, and until such loan or part is wholly discharged shall not apply the same for any other purpose:

(5.) The debentures or portion of debenture stock, to the payment of which such sinking fund is for the time being applicable, shall be ascertained in such manner as may have been fixed at the time of the issue of the debentures or debenture stock, or may thereafter have been arranged. Where the debentures or portion of debenture stock to be paid off are or is to be determined by lot, the lots shall be drawn and notice shall be given in manner herein-before in this Act mentioned:

(6.) Any surplus of the sinking fund remaining after the discharge of the loan or part of a loan for the discharge of which it was created shall be paid into some other sinking fund under the control of the local authority, or if there is no such fund shall be applied to any purpose to which such loan is applicable, or otherwise, as the local authority may, with the assent of the Local Government Board, think expedient:

(7.) Where any part of the sinking fund is invested in any securities of the local authority, or is applied in paying off any part of the loan before the prescribed period, the interest which would otherwise be payable on such securities or on such part of the loan shall be paid into the sinking fund and invested in manner provided by this Act:

(8.) If the annual income of the sinking fund is not less than the annual interest payable on so much of the loan or part of the loan in respect of which it was

created as remains undischarged, the equal annual sums required by this section to be paid into the sinking fund may cease to be so paid.

Annual return as to sinking fund.

16. Where a sinking fund is created for the purpose of discharging any loan or part of a loan the local authority shall, until such loan or part of a loan is discharged, within twenty-one days after the expiration of each year, transmit to the Local Government Board a return in such form and verified in such manner as the Board from time to time directs, showing the amount which has been invested or applied for the purpose of such sinking fund during the year next preceding the making of such return, and the description of the securities upon which any investment has been made, and the purposes to which any portion of the sinking fund has been applied during the same period, and the total amount (if any) remaining invested at the end of the year. If it appears to the Local Government Board, by such return or otherwise, that the local authority have failed to comply with the provisions of this Act with respect to the sinking fund, that Board may, if they think fit and after hearing the local authority, if desirous to be heard, by order direct that the sum in respect of which default has been made is to be raised and invested or applied as part of the sinking fund, and any such order may be enforced by mandamus.

SUPPLEMENTAL PROVISIONS.

(1.) *As to Coupons.*

Temporary issue of coupons.

17. Coupons in respect of any debenture or stock certificate to bearer under this Act may be issued comprising the interest payable during the whole period of years for which the debenture or stock certificate is in force, or any less period, and at the expiration of any such less period fresh coupons may be issued in respect of the debenture or stock certificate, or such debenture or stock certificate may be exchanged for another debenture or stock certificate with coupons for a further period.

Endorsement and crossing of coupons.

18. A coupon payable to order, which when presented for payment purports to be endorsed by the person named therein, shall be a sufficient authority to the person paying the money to pay the amount due in respect of such coupon to the bearer thereof, and it shall not be incumbent on the person paying such coupon to prove that such endorsement or any subsequent endorsement was made by or under the direction or authority of the person who is named in the coupon, or to whom the coupon was made payable by any endorser.

Where a coupon bears across its face an addition in written, printed, or stamped letters of the name of any banker or of the words "and company" in full or abbreviated, between two transverse lines, such addition shall be deemed to be a

material part of the coupon, and have the force of a direction to the person by whom such coupon is to be paid that the same is to be paid only to or through the banker named, or if none is so named, to or through some banker, and the same shall be payable only to or through the banker named, or some banker.

Coupons issued in respect of a security are exempt from stamp duty as if attached thereto.

19. Any coupons issued in respect of any debenture or stock certificate to bearer under this Act shall for the purpose of the Acts relating to stamp duties be deemed to have been attached to and issued with such security.

(2.) *As to Stock Certificates.*

Conversion into nominal debenture stock of stock in certificate to bearer.

20. The bearer of a stock certificate to bearer may, on delivery to the local authority of his certificate and of all unpaid coupons belonging thereto, require the local authority to enter him in the register of the local authority as an owner of the share of stock described in the stock certificate to bearer, and thereupon that stock shall become nominal debenture stock and the interest thereon shall be payable as if no stock certificate to bearer had been issued in respect of that share of stock.

Trustee not to apply for stock certificate to bearer.

21. A trustee of debenture stock shall not apply for or hold a stock certificate to bearer unless authorised to do so by the terms of his trust, and any contravention of this provision by a trustee shall be deemed a breach of trust. But this provision shall not impose on the local authority an obligation to inquire whether a person applying for a stock certificate to bearer is or is not a trustee, or subject the local authority to any liability in the event of their issuing a stock certificate to bearer to a trustee, or invalidate any stock certificate to bearer issued.

(3.) *As to Execution and Supply of Securities.*

Execution and supply of securities.

22. Every debenture, stock certificate to bearer, and annuity certificate under this Act shall be deemed to be well executed if under the common seal of the local authority, where that authority is a body corporate, and if signed by two or more members of the local authority, where the local authority is not a body corporate, or if otherwise executed in such manner as the Local Government Board may direct on the application of any local authority, whether corporate or unincorporate.

The Commissioners of Inland Revenue may, when required by any local authority, and on payment of such sum as may, with the sanction of the Treasury, be agreed upon, supply such authority with debentures, stock certificates to bearer, coupons, and annuity certificates under this Act in such form and of such materials as the local authority may direct.

(4.) *As to Register of Nominal Securities.*

23. A local authority issuing nominal debentures, nominal debenture stock, or nominal annuity certificates under this Act, shall cause a register of such securities to be kept in one or more book or books, and there shall be entered in such register— **Register of nominal securities.**

(1.) The names and addresses and the descriptions of the owners for the time being of every such security, with a statement of the securities held by each person registered, and

(2.) The date at which the name of any person was entered in the register in respect of any such security.

The register under this section shall be evidence of any matters by this Act directed or authorised to be inserted therein.

24. Any person may inspect the register at any reasonable time upon payment of such fee not exceeding one shilling as may be fixed by the local authority, and shall be entitled to obtain from the registrar, copies or extracts certified by him to be true copies or extracts of such register, upon payment of such fee not exceeding two shillings and sixpence, and twopence for every folio of seventy-two words, as the local authority may from time to time fix, and any copy or extract so certified shall be admissible in evidence. **Inspection of register.**

25. If the name of any person is without sufficient cause entered in or omitted from the register, or if default is made or unnecessary delay takes place in making any entry in such register, the person aggrieved or the local authority may apply to the court for an order that the register may be rectified. **Rectification of register.**

The court may either refuse the application with or without costs to be paid by the applicant, or may, if satisfied of the justice of the case, whether there has or has not been any default on the part of the registrar, make an order for the rectification of the register, and make such order as to the payment of the costs of the application or of damages to the person aggrieved as to the court may seem just.

The court may, in any proceeding under this section, decide any question relating to the title of any party to such proceeding to have his name entered in or omitted from the register, and generally any question which it may be necessary or expedient to decide for the rectification of the register.

The court for the purposes of this section means any of Her Majesty's superior courts of law or equity, or any court to which the jurisdiction of such courts may be transferred, and where the value of any security or securities to which the application relates does not exceed fifty pounds shall include a county court, and the jurisdiction by this Act given to a superior court may be exercised in a summary manner by any judge or judges of such court sitting in chambers or otherwise.

(5.) *As to Loans under Official Sanction.*

Permissive issue of securities under official sanction.

26. Any local authority about to raise a loan by the issue of any securities under this Act may apply to the Local Government Board to authorise the issue of such securities under official sanction.

The Local Government Board, before granting their official sanction to such issue, shall require the local authority to furnish in such form, and with such particulars, and supported by such evidence as the Local Government Board may require, such returns of the financial condition of such authority and borrowing powers of such authority and of the indebtedness of such authority, whether incurred before or after the passing of this Act, and such other particulars as will enable the Local Government Board to ascertain the facts required by this section to be stated in relation to such issue, and the Local Government Board may make such examination or inquiries for ascertaining the said matters and the accuracy of such returns as they may think expedient, and they shall not give their sanction unless they are satisfied with the information given and the result of the inquiries made.

The issue of any securities under official sanction shall be authenticated by an official stamp on such securities or otherwise as the Local Government Board may from time to time direct.

The sanction of the Local Government Board given in respect of any securities shall be conclusive evidence that the local authority by whom such securities may be issued had power to issue the same, and that the same have been duly issued, and are as to form and otherwise in conformity with this Act.

The owner of any security issued under official sanction shall on request made by him to the Local Government Board be furnished with a statement of the following particulars; that is to say,

Where a security is charged on a rate, of the rateable value, at the date of the issue of such security, of the property subject to the rate, and where the security is a charge on property, of the estimated value of such property; also of

The relative priority of the loan, in respect of which such security is issued, and of the other loans (if any) of the borrowing authority;

and such statement shall be evidence of the particulars therein stated.

(6.) *As to Investments on Loans under Act.*

Power for trustees to invest in loans under Act.

27. Any trustees or other persons for the time being authorised or directed to invest any moneys in the debentures or debenture stock of any railway or other company shall, unless the contrary is provided by the instrument authorising or directing such investment, have the same power of investing such

moneys in any nominal debentures or nominal debenture stock issued under this Act as they have of investing such moneys in debentures or debenture stock of any railway or other company as aforesaid.

28. When the Public Works Loan Commissioners are authorised to grant any loan to a local authority under any Act, passed either before or after the passing of this Act, and are satisfied with the sufficiency of the rates or other property on which such loan is charged to defray the loan, they may, notwithstanding anything contained in any other Act of Parliament, take debentures, debenture stock, or annuity certificates under this Act as a security for such loan.

Power for Public Works Loan Commissioners to take securities under Act.

(7.) *As to General Rules.*

29. The general rules in the schedule to this Act with respect to the transfer and transmission of nominal securities shall have the same force as if they were enacted in the body of this Act.

Application of rules in schedule.

30. The local authority may from time to time, with the consent of the Local Government Board, make, and when made, add to, rescind, or alter, such rules as they think fit with respect to the following matters:

Power to make general rules.

(1.) The issue of coupons, the registry of securities, the mode of transferring securities not transferable by delivery, the fees, if any, to be charged in respect of registry and otherwise in respect of any security issued by them under this Act; and,

(2.) With respect to any matter or thing required for the purposes of carrying into effect this Act, and not inconsistent therewith.

The local authority may also by such rules as aforesaid add to, rescind, or alter any of the rules in the schedule hereto.

Any general rules made by the local authority in pursuance of this section shall, so far as they are consistent with this Act, have the same force as if they were enacted therein.

Provided, that any rules made, added to, rescinded, or altered in pursuance of this section shall not affect any securities issued in respect of any loan the date of which is prior to the date of such making, addition, rescission, or alteration.

(8.) *As to Borrowing.*

31. Any local authority, notwithstanding any provision in any other Act of Parliament passed before the passing of this Act, may, if it thinks fit, borrow in manner provided by this Act any loan which it is authorised to borrow.

Borrowing and re-borrowing by local authorities.

Any local authority may from time to time in like manner re-borrow money for the purpose of discharging any loan lawfully contracted by them either before or after the passing of this Act; provided that the time for repayment of any

money so borrowed shall not be extended beyond the unexpired portion of the term for which the original loan was contracted, unless with the sanction of the Local Government Board, and in no case shall be extended beyond the prescribed period.

(9.) *As to Forgery and Loss of Securities.*

Forgery of securities.

32. For the purposes of the Act of the session of the twenty-fourth and twenty-fifth years of the reign of Her present Majesty, chapter ninety-eight, intituled "An Act to consolidate "and amend the Statute Law of England relating to in-"dictable offences by forgery," debenture stock under this Act shall be deemed to be capital stock of a body corporate, and any other security issued in pursuance of this Act shall be considered to be a writing obligatory, and any coupon bearing across its face an addition in written, printed, or stamped letters of the name of any banker, or of the words "and company" in full or abbreviated, between two transverse lines, shall be deemed to be a cheque or draft on a banker.

Loss of securities.

33. If any security issued under this Act is lost, mislaid, or destroyed, the local authority shall, on such indemnity being given as they may require, and on payment of the expense of the issue, issue a fresh security in the place of the security so lost, mislaid, or destroyed.

(10.) *Definitions.*

Definitions.

34. For the purposes of this Act—

"Prescribed" means prescribed by any Act passed either before or after the passing of this Act authorising a local authority to borrow money:

"Local authority" means the justices of any county, liberty, riding, parts, or division of a county in general or quarter sessions assembled, the council of any municipal borough, also any authority whatsoever having power to levy a rate, as in this Act defined, also any prescribed authority:

"Municipal borough" means any borough for the time being subject to the Act of the session of the fifth and sixth years of the reign of King William the Fourth, chapter seventy-six, intituled, "An Act to provide for "the regulation of municipal corporations in England "and Wales," and any Acts amending the same:

A "rate" means a rate the proceeds of which are applicable to public local purposes and leviable on the basis of an assessment in respect of property, and includes any sum which, though obtained in the first instance by a precept, certificate, or other document requiring payment from some authority or officer, is or can be ultimately raised out of a rate, and the levy of a rate

includes the issue and enforcement of any such precept, certificate, or document as aforesaid, and expressions relating to the levy and the assessment and making of a rate shall be construed accordingly:

"Local rate" means any rate as before defined which a local authority have power to levy or charge by way of mortgage or otherwise:

"Security" means any debenture, debenture stock, annuity certificate, coupon, or stock certificate to bearer issued under this Act:

"Person" includes a body of persons corporate or unincorporate:

"Executors and administrators" includes successors.

(11.) *Repeal and consequential Enactment.*

Repeal of 36 & 37 Vict. c. 35.

35. The County Debentures Act, 1873, is hereby repealed, as from the commencement of this Act; but this repeal shall not abridge or prejudicially affect the incorporation of any county authority under that Act, or any right in respect of any debenture issued in pursuance of that Act before the commencement of this Act, or any remedy for non-payment of moneys secured by any such debenture, and all such rights and remedies may be enforced as if this Act had not been passed.

Incorporation of county authority for purposes of Act.

36. The justices of any county, liberty, riding, parts, or division of a county in general or quarter sessions assembled, issuing any securities under this Act, shall, so far as relates to such securities, be deemed to be incorporated by the name of the justices of the county, liberty, riding, parts, or division of the county to which they belong, or by any other name by which such justices are ordinarily known, or by which they granted the said securities, and may sue and be sued in any action or other legal proceeding relating thereto by such corporate name.

SCHEDULE.

GENERAL RULES.

Transfer of Nominal Securities.

(1.) A number of persons, not exceeding such number as may from time to time be directed by the local authority, may be registered as joint owners of the same nominal security, with right of survivorship between them.

(2.) Unless otherwise directed by a general rule of the local authority, the instrument of transfer of any nominal security issued by a local authority shall be executed both by the transferor and transferee, and the transferor shall be deemed to remain owner of such security until the name of the transferee is entered in the register in respect thereof.

(3.) The transfer books of nominal securities may be closed at such times, not exceeding twice in each year, and not exceeding fourteen days at each time of closing, as the local authority may direct.

Transmission of Nominal Securities.

(4.) The executors or administrators of a deceased owner of a nominal security shall be the only persons recognised by the local authority as having any title to such security.

(5.) Any person becoming entitled to a nominal security in consequence of the death or bankruptcy of any owner, or in consequence of the marriage of any female owner, may be registered as owner upon such evidence being produced as may from time to time be required by the local authority.

(6.) Unless otherwise directed by a rule of the local authority, any person who has become entitled to a nominal security in consequence of the death or bankruptcy of any owner, or in consequence of the marriage of any female owner, may, instead of being registered himself, elect to have some person to be named by him registered as a transferee of such security.

(7.) The person so becoming entitled shall testify such election by executing to his nominee an instrument of transfer of such security.

(8.) The instrument of transfer shall be presented to the local authority, accompanied with such evidence as the local authority may require to prove the title of the transferor, and thereupon the local authority shall register the transferee as owner.

(9.) In the construction of this schedule the term "nominal security" means any nominal debenture, nominal debenture stock, or nominal annuity certificate.

CHAPTER 84.

An Act to regulate the Expenses and to control the Charges of Returning Officers at Parliamentary Elections. [13th August 1875.]

WHEREAS it is expedient to amend the law relating to the expenses and charges of returning officers at parliamentary elections:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Construction of Act

1. The Ballot Act, 1872, as modified by this Act, and this Act shall be construed as one Act.

This Act shall apply only to parliamentary elections.

Payments to returning officers.

2. The returning officer at an election shall be entitled to his reasonable charges, not exceeding the sums mentioned in the first schedule to this Act, in respect of services and expenses of the several kinds mentioned in the said schedule, which have been properly rendered or incurred by him for the purposes of the election.

The amount of such charges shall be paid by the candidates at the election in equal several shares, or where there is only one candidate, by such candidate. If a candidate is neminated without his consent, the persons by whom his nomination is subscribed shall be jointly and severally liable for the share of the charges for which he would be liable if he were nominated with his consent.

A returning officer shall not be entitled to payment for any other services or expenses, or at any greater rates than as in the said schedule mentioned, any law or usage to the contrary notwithstanding.

Returning officer may require deposit or security.

3. The returning officer, if he think fit, may, as herein-after provided, require security to be given for the charges which may become payable under the provisions of this Act in respect of any election.

The total amount of the security which may be required in respect of all the candidates at an election shall not in any case exceed the sums prescribed in the third schedule to this Act.

Where security is required by the returning officer it shall be apportioned and given as follows; viz.,

(1.) At the end of the two hours appointed for the election the returning officer shall forthwith declare the number of the candidates who then stand nominated, and shall, if there be more candidates nominated than there are vacancies to be filled up, apportion equally among them the total amount of the required security:

(2.) Within one hour after the end of the two hours aforesaid, security shall be given, by or in respect of each candidate then standing nominated, for the amount so apportioned to him:

(3.) If in the case of any candidate security is not given or tendered as herein mentioned, he shall be deemed to be withdrawn within the provisions of the Ballot Act, 1872:

(4.) A tender of security in respect of a candidate may be made by any person:

(5.) Security may be given by deposit of any legal tender or of notes of any bank being commonly current in the county or borough for which the election is held, or, with the consent of the returning officer, in any other manner:

(6.) The balance (if any) of a deposit beyond the amount to which the returning officer is entitled in respect of any candidate shall be repaid to the person or persons by whom the deposit was made.

The accounts of a returning

4. Within twenty-one days after the day on which the return is made of the persons elected at the election, the

officer may be taxed.

returning officer shall transmit to every candidate or other person from whom he claims payment either out of any deposit or otherwise of any charges in respect of the election, or to the agent for election expenses of any such candidate, a detailed account showing the amounts of all the charges claimed by the returning officer in respect of the election, and the share thereof which he claims from the person to whom the account is transmitted. He shall annex to the account a notice of the place where the vouchers relating to the account may be seen, and he shall at all reasonable times and without charge allow the person from whom payment is claimed, or any agent of such person, to inspect and take copies of the vouchers.

The returning officer shall not be entitled to any charges which are not duly included in his account.

If the person from whom payment is claimed objects to any part of the claim, he may, at any time within fourteen days from the time when the account is transmitted to him, apply to the court as defined in this section for a taxation of the account, and the court shall have jurisdiction to tax the account in such manner and at such time and place as the court thinks fit, and finally to determine the amount payable to the returning officer and to give and enforce judgment for the same as if such judgment were a judgment in an action in such court, and with or without costs at the discretion of the court.

The court for the purposes of this Act shall be in the city of London the Lord Mayor's Court, and elsewhere in England the County Court, and in Ireland the Civil Bill Court, having jurisdiction at the place of nomination for the election to which the proceedings relate.

The court may depute any of its powers or duties under this Act to the registrar or other principal officer of the court.

Nothing in this section shall apply to the charge of the returning officer for publication of accounts of election expenses.

Claims against a returning officer.

5. Every person having any claim against a returning officer for work, labour, materials, services, or expenses in respect of any contract made with him by or on behalf of the returning officer for the purposes of an election, except for publication of accounts of election expenses, shall, within fourteen days after the day on which the return is made of the person or persons elected at the election, transmit to the returning officer the detailed particulars of such claim in writing, and the returning officer shall not be liable in respect of anything which is not duly stated in such particulars.

Where application is made for taxation of the accounts of a returning officer, he may apply to the court as defined in this Act to examine any claim transmitted to him by any person in pursuance of this section, and the court after notice given to such person, and after hearing him, and any evidence

tendered by him, may allow or disallow, or reduce the claim objected to, with or without costs, and the determination of the court shall be final for all purposes, and as against all persons.

6. In any case to which the fourteenth section of the Ballot Act, 1872, is applicable, it shall be the duty of the returning officer, so far as is practicable, to make use of ballot boxes, fittings, and compartments provided for municipal or school board elections, and the court, upon taxation of his accounts, shall have regard to the provisions of this section. Use of ballot boxes, &c. provided for municipal elections.

7. There shall be added to every notice of election to be published under the provisions of the Ballot Act, 1872, the notification contained in the second schedule to this Act with respect to claims against returning officers. Notices to be given by returning officers.

8. Nothing in this Act shall apply to an election for any university or combination of universities. Saving of the universities.

9. This Act shall come into operation on the first day of October one thousand eight hundred and seventy-five, and continue in force until the thirty-first day of December one thousand eight hundred and eighty, and no longer, unless Parliament shall otherwise determine. Commencement and duration of Act.

10. This Act may be cited for all purposes as the "Parliamentary Elections (Returning Officers Act, 1875." Short title.

11. This Act shall not apply to Scotland. Not to apply to Scotland.

SCHEDULES.

FIRST SCHEDULE.

CHARGES OF RETURNING OFFICERS.

The following are the maximum charges to be made by the returning officer, but the charges are in no case to exceed the sums actually and necessarily paid or payable.

PART I.—COUNTIES AND DISTRICT OR CONTRIBUTORY BOROUGHS.

This Part of this Schedule applies to an election for a county, or for either of the boroughs of Aylesbury, Cricklade, Monmouth, East Retford, Stroud, and New Shoreham, or for any borough or burgh consisting of a combination of separate boroughs, burghs, or towns.

	£	s.	d.
For preparing and publishing the notice of election.	2	2	0
For preparing and supplying the nomination papers.	1	1	0
For travelling to and from the place of nomination, or of declaring the poll at a contested election, per mile.	0	1	0

	£ s. d.
For hire or necessary fitting up of rooms or buildings for polling, or damage or expenses by or for use of such rooms or buildings.	The necessary expenses, not exceeding at any one polling station the charge for constructing and fitting a polling station.
For constructing a polling station, with its fittings and compartments, in England. And in Ireland the sum or sums payable under the provisions of the 13th and 14th Victoria, chap. 68, and 35th and 36th Victoria, chap. 33. In Ireland the returning officer shall use a court house where one is available as a polling station, and his maximum charge for using and fitting the same shall in no case exceed three pounds three shillings.	7 7 0
For each ballot box required to be purchased -	1 1 0
For the use of each ballot box, when hired -	0 5 0
For stationery at each polling station - -	0 10 0
For printing and providing ballot papers, per thousand.	1 10 0
For each stamping instrument - - -	0 10 0
For copies of the register - - -	The sums payable by statute for the necessary copies.
For each presiding officer - - -	3 3 0
For one clerk at each polling station where not more than 500 voters are assigned to such station.	1 1 0
For an additional clerk at a polling station for every number of 500 voters, or fraction thereof beyond the first 500 assigned to such polling station.	1 1 0
For every person employed in counting votes, not exceeding six such persons where the number of registered electors does not exceed 3,000, and one for every additional 2,000 electors.	1 1 0
For making the return to the clerk of the Crown.	1 1 0
For the preparation and publication of notices (other than the notice of election).	Not exceeding for the whole of such notices 20*l.*, and 1*l.* for every additional 1,000 electors above 3,000.
For conveyance of ballot boxes from the polling stations to the place where the ballot papers are to be counted, per mile.	0 1 0
For professional and other assistance in and about the conduct of the election.	In a contested election not exceeding 25*l.*, and an additional 3*l.* for every 1,000 registered electors or fraction thereof above 3,000 and up to 10,000, and 2*l.* for every 1,000 or fraction thereof above 10,000. In an uncontested election, one fifth of the above sums.

	£ s. d.
For travelling expenses of presiding officers and clerks, per mile.	0 1 0
For services and expenses in relation to receiving and publishing accounts of election expenses, in respect of each candidate.	2 2 0
For all other expenses - - - -	In a contested election, not exceeding 10*l.*, and an additional 1*l.* for every 1,000 electors or fraction thereof above 1,000. In an uncontested election, nil.

NOTE.—*Travelling expenses are not to be allowed in the case of any person unless for distances exceeding two miles from the place at which he resides.*

PART II.—BOROUGHS.

This Part of the Schedule applies to all boroughs not included in Part I. of this Schedule.

	£ s. d.
For preparing and publishing the notice of election.	2 2 0
For preparing and supplying the nomination papers.	1 1 0
For hire or necessary fitting up of rooms or buildings for polling, or damage or expenses by or for use of such rooms or buildings.	The necessary expenses, not exceeding at any one polling station the charge for constructing and fitting a polling station.
In England, for constructing a polling station, with its fittings and compartments, not exceeding two in number.	7 7 0
For each compartment required to be constructed, when more than two be used.	1 1 0
For the use of each compartment hired, when more than two are used.	0 5 0
And in Ireland, in lieu of the charges payable in respect of the foregoing last three services, the sum or sums payable under the provisions of 13th and 14th Victoria, chap. 68, and 35th and 36th Victoria, chap. 33.	
For each ballot box required to be purchased -	1 1 0
For the use of each ballot box, when hired -	0 5 0
For stationery at each polling station - -	0 10 0
For printing and providing ballot papers, per thousand	1 10 0
For each stamping instrument - - -	0 10 0
For copies of the register - - -	The sums payable by statute for the necessary copies.
For each presiding officer - - -	3 3 0
For one clerk at each polling station where not more than 500 voters are assigned to such station.	1 1 0

	£ s. d.
For an additional clerk at a polling station for every number of 500 voters, or fraction thereof beyond the first 500 assigned to such station.	1 1 0
For every person employed in counting votes, not exceeding six such persons where the number of registered electors does not exceed 3,000, and one for every additional 2,000 electors.	1 1 0
For making the return to the clerk of the Crown	1 1 0
For the preparation and publication of notices (other than the notice of election).	Not exceeding for the whole of such notices 10*l.*, and 1*l.* for every additional 1,000 electors above 1,000.
For professional and other assistance in and about the conduct of the election.	In a contested election, not exceeding 20*l.*, an additional 2*l.* for every 1,000 registered electors or fraction thereof above 1,000 and up to 10,000, and 1*l.* additional for every 1,000 or fraction thereof above 10,000. In an uncontested election one fifth of the above sum.
For services and expenses in relation to receiving and publishing accounts of election expenses, in respect of each candidate.	1 1 0
For all other expenses - - - -	Not exceeding 10*l.*, and an additional 1*l.* for every 1,000 electors above the first 1,000.

NOTE to PARTS I. and II. of SCHEDULE I.

The above sums are the aggregate charges, the amount of which is to be apportioned among the several candidates or other persons liable for the same.

SECOND SCHEDULE.

1. NOTIFICATION to be added to the NOTICE of ELECTION.

Take notice, that by the Parliamentary Elections (Returning Officers) Act, 1875, it is provided that every person having any claim against a returning officer for work, labour, materials, services, or expenses in respect of any contract made with him by or on behalf of the returning officer, for the purposes of an election (except for publications of account of election expenses), shall, within fourteen days after the day on which the return is made of the person or persons elected at the election, transmit to the returning officer the detailed particulars of such claim in writing, and the returning officer shall not be liable in respect of anything which is not duly stated in such particulars.

THIRD SCHEDULE.

MAXIMUM Amount of SECURITY which may be required by a RETURNING OFFICER.

—	County or District of Contributory Borough.	Borough.
	£	£
Where the registered electors do not exceed 1,000.	150	100
Where the registered electors exceed 1,000 but do not exceed 2,000.	200	150
Where the registered electors exceed 2,000 but do not exceed 4,000.	275	200
Where the registered electors exceed 4,000 but do not exceed 7,000.	400	250
Where the registered electors exceed 7,000 but do not exceed 10,000.	550	300
Where the registered electors exceed 10,000 but do not exceed 15,000.	700	450
Where the registered electors exceed 15,000 but do not exceed 20,000.	800	500
Where the registered electors exceed 20,000 but do not exceed 30,000.	900	600
Where the registered electors exceed 30,000.	1,000	700

If at the end of the two hours appointed for the election, not more candidates stand nominated than there are vacancies to be filled up, the maximum amount which may be required is one fifth of the maximum according to the above scale.

CHAPTER 85.

An Act for amending the Foreign Jurisdiction Acts.

[13th August 1875.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Validity of acts done under Order in Council under Foreign Jurisdiction Acts.

1. Where, by Order of the Queen in Council in pursuance of the Foreign Jurisdiction Acts, any court, judge, magistrate, or officer acting or exercising jurisdiction within or in relation to any country or place out of Her Majesty's dominions, is authorised to order the removal or deportation of any person from that country or place, such removal or deportation, and any detention for the purposes thereof, according to the provisions of the Order in Council, shall be as lawful as if the order of the court, judge, magistrate, or officer were to have effect wholly within that country or place.

Construction and short titles.

2. This Act shall be construed as one with the Foreign Jurisdiction Act, 1843, and the Acts amending the same, and together with those Acts may be cited as the Foreign Jurisdiction Acts, 1843 to 1875, and may be cited separately as the Foreign Jurisdiction Act, 1875.

CHAPTER 86.

An Act for amending the Law relating to Conspiracy, and to the Protection of Property, and for other purposes. [13th August 1875.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title

1. This Act may be cited as the Conspiracy, and Protection of Property Act, 1875.

Commencement of Act.

2. This Act shall come into operation on the first day of September one thousand eight hundred and seventy-five.

Conspiracy, and Protection of Property.

Amendment of law as to conspiracy in trade disputes.

3. An agreement or combination by two or more persons to do or procure to be done any act in contemplation or furtherance of a trade dispute between employers and workmen shall not be indictable as a conspiracy if such act committed by one person would not be punishable as a crime.

Nothing in this section shall exempt from punishment any persons guilty of a conspiracy for which a punishment is awarded by any Act of Parliament.

Nothing in this section shall affect the law relating to riot, unlawful assembly, breach of the peace, or sedition, or any offence against the State or the Sovereign.

A crime for the purposes of this section means an offence punishable on indictment, or an offence which is punishable on summary conviction, and for the commission of which the offender is liable under the statute making the offence punishable to be imprisoned either absolutely or at the discretion of the court as an alternative for some other punishment.

Where a person is convicted of any such agreement or combination as aforesaid to do or procure to be done an act which is punishable only on summary conviction, and is sentenced to imprisonment, the imprisonment shall not exceed three months, or such longer time, if any, as may have been prescribed by the statute for the punishment of the said act when committed by one person.

4. Where a person employed by a municipal authority or by any company or contractor upon whom is imposed by Act of Parliament the duty, or who have otherwise assumed the duty of supplying any city, borough, town, or place, or any part thereof, with gas or water, wilfully and maliciously breaks a contract of service with that authority or company or contractor, knowing or having reasonable cause to believe that the probable consequences of his so doing, either alone or in combination with others, will be to deprive the inhabitants of that city, borough, town, place, or part, wholly or to a great extent of their supply of gas or water, he shall on conviction thereof by a court of summary jurisdiction, or on indictment as herein-after mentioned, be liable either to pay a penalty not exceeding twenty pounds or to be imprisoned for a term not exceeding three months, with or without hard labour.

Breach of contract by persons employed in supply of gas or water.

Every such municipal authority, company, or contractor as is mentioned in this section shall cause to be posted up, at the gasworks or waterworks, as the case may be, belonging to such authority or company or contractor, a printed copy of this section in some conspicuous place where the same may be conveniently read by the persons employed, and as often as such copy becomes defaced, obliterated, or destroyed, shall cause it to be renewed with all reasonable despatch.

If any municipal authority or company or contractor make default in complying with the provisions of this section in relation to such notice as aforesaid, they or he shall incur on summary conviction a penalty not exceeding five pounds for every day during which such default continues, and every person who unlawfully injures, defaces, or covers up any notice so posted up as aforesaid in pursuance of this Act, shall be liable on summary conviction to a penalty not exceeding forty shillings.

5. Where any person wilfully and maliciously breaks a contract of service or of hiring, knowing or having reasonable cause to believe that the probable consequences of his so doing, either alone or in combination with others, will be to endanger human life, or cause serious bodily injury, or to expose valuable property whether real or personal to destruction or serious injury, he shall on conviction thereof by a court of summary jurisdiction, or on indictment as herein-after mentioned, be liable either to pay a penalty not exceeding twenty pounds, or to be imprisoned for a term not exceeding three months, with or without hard labour.

Breach of contract involving injury to persons or property.

Miscellaneous.

6. Where a master, being legally liable to provide for his servant or apprentice necessary food, clothing, medical aid, or lodging, wilfully and without lawful excuse refuses or neglects to provide the same, whereby the health of the servant or apprentice is or is likely to be seriously or permanently

Penalty for neglect by master to provide food, clothing, &c. for servant or apprentice.

injured, he shall on summary conviction be liable either to pay a penalty not exceeding twenty pounds, or to be imprisoned for a term not exceeding six months, with or without hard labour.

Penalty for intimidation or annoyance by violence or otherwise.

7. Every person who, with a view to compel any other person to abstain from doing or to do any act which such other person has a legal right to do or abstain from doing, wrongfully and without legal authority,—

1 Uses violence to or intimidates such other person or his wife or children, or injures his property; or,

2. Persistently follows such other person about from place to place; or,

3. Hides any tools, clothes, or other property owned or used by such other person, or deprives him of or hinders him in the use thereof; or,

4. Watches or besets the house or other place where such other person resides, or works, or carries on business, or happens to be, or the approach to such house or place; or,

5. Follows such other person with two or more other persons in a disorderly manner in or though any street or road,

shall, on conviction thereof by a court of summary jurisdiction, or on indictment as herein-after mentioned, be liable either to pay a penalty not exceeding twenty pounds, or to be imprisoned for a term not exceeding three months, with or without hard labour.

Attending at or near the house or place where a person resides, or works, or carries on business, or happens to be, or the approach to such house or place, in order merely to obtain or communicate information, shall not be deemed a watching or besetting within the meaning of this section.

Reduction of penalties.

8. Where in any Act relating to employers or workmen a pecuniary penalty is imposed in respect of any offence under such Act, and no power is given to reduce such penalty, the justices or court having jurisdiction in respect of such offence may, if they think it just so to do, impose by way of penalty in respect of such offence any sum not less than one fourth of the penalty imposed by such Act.

Legal Proceedings.

Power for offender under this Act to be tried on indictment and not by court of summary jurisdiction.

9. Where a person is accused before a court of summary jurisdiction of any offence made punishable by this Act, and for which a penalty amounting to twenty pounds, or imprisonment, is imposed, the accused may, on appearing before the court of summary jurisdiction, declare that he objects to being tried for such offence by a court of summary jurisdiction, and thereupon the court of summary jurisdiction may deal with the case in all respects as if the accused were charged with an indictable offence and not an offence punishable on summary

conviction, and the offence may be prosecuted on indictment accordingly.

10. Every offence under this Act which is made punishable on conviction by a court of summary jurisdiction or on summary conviction, and every penalty under this Act recoverable on summary conviction, may be prosecuted and recovered in manner provided by the Summary Jurisdiction Act.

Proceedings before court of summary jurisdiction.

11. Provided, that upon the hearing and determining of any indictment or information under sections four, five, and six of this Act, the respective parties to the contract of service, their husbands or wives, shall be deemed and considered as competent witnesses.

Regulations as to evidence.

12. In England or Ireland, if any party feels aggrieved by any conviction made by a court of summary jurisdiction on determining any information under this Act, the party so aggrieved may appeal therefrom, subject to the conditions and regulations following:

Appeal to quarter sessions.

(1.) The appeal shall be made to some court of general or quarter sessions for the county or place in which the cause of appeal has arisen, holden not less than fifteen days and not more than four months after the decision of the court from which the appeal is made:

(2.) The appellant shall, within seven days after the cause of appeal has arisen, give notice to the other party and to the court of summary jurisdiction of his intention to appeal, and of the ground thereof:

(3.) The appellant shall immediately after such notice enter into a recognizance before a justice of the peace, with or without sureties, conditioned personally to try such appeal, and to abide the judgment of the court thereon, and to pay such costs as may be awarded by the court:

(4.) Where the appellant is in custody the justice may, if he think fit, on the appellant entering into such recognizance as aforesaid, release him from custody:

(5.) The court of appeal may adjourn the appeal, and upon the hearing thereof they may confirm, reverse, or modify the decision of the court of summary jurisdiction, or remit the matter to the court of summary jurisdiction with the opinion of the court of appeal thereon, or make such other order in the matter as the court thinks just, and if the matter be remitted to the court of summary jurisdiction the said last-mentioned court shall thereupon re-hear and decide the information in accordance with the opinion of the said court of appeal. The court of appeal may also make such order as to costs to be paid by either party as the court thinks just.

Definitions.

General definitions

13. In this Act,—

"The Summary Jurisdiction Act."

The expression "the Summary Jurisdiction Act" means the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled "An Act to facilitate the performance of the duties of justices "of the peace out of sessions within England and Wales with "respect to summary convictions and orders," inclusive of any Acts amending the same; and

"Court of summary jurisdiction"

The expression "court of summary jurisdiction" means—

(1.) As respects the city of London, the Lord Mayor or any alderman of the said city sitting at the Mansion House or Guildhall justice room; and

(2.) As respects any police court division in the Metropolitan police district, any Metropolitan police magistrate sitting at the police court for that division; and

(3.) As respects any city, town, liberty, borough, place, or district for which a stipendiary magistrate is for the time being acting, such stipendiary magistrate sitting at a police court or other place appointed in that behalf; and

(4.) Elsewhere, any justice or justices of the peace to whom jurisdiction is given by the Summary Jurisdiction Act: Provided that, as respects any case within the cognisance of such justice or justices as last aforesaid, an information under this Act shall be heard and determined by two or more justices of the peace in petty sessions sitting at some place appointed for holding petty sessions.

Nothing in this section contained shall restrict the jurisdiction of the Lord Mayor or any alderman of the city of London, or of any metropolitan police or stipendiary magistrate, in respect of any act or jurisdiction which may now be done or exercised by him out of court.

Definitions of "municipal authority" and "public company."

14. The expression "municipal authority" in this Act means any of the following authorities, that is to say, the Metropolitan Board of Works, the Common Council of the city of London, the Commissioners of Sewers of the city of London, the town council of any borough for the time being subject to the Act of the session of the fifth and sixth years of the reign of King William the Fourth, chapter seventy-six, intituled "An Act to provide for the Regulation of Municipal "Corporations in England and Wales," and any Act amending the same, any commissioners, trustees, or other persons invested by any local Act of Parliament with powers of improving, cleansing, lighting, or paving any town, and any local board.

Any municipal authority or company or contractor who has obtained authority by or in pursuance of any general or local Act of Parliament to supply the streets of any city, borough, town, or place, or of any part thereof, with gas, or which is required by or in pursuance of any general or local Act of Parliament to supply water on demand to the inhabitants of any city, borough, town, or place, or any part thereof, shall for the purposes of this Act be deemed to be a municipal authority or company or contractor upon whom is imposed by Act of Parliament the duty of supplying such city, borough, town, or place, or part thereof, with gas or water.

15. The word "maliciously" used in reference to any offence under this Act shall be construed in the same manner as it is required by the fifty-eighth section of the Act relating to malicious injuries to property, that is to say, the Act of the session of the twenty-fourth and twenty-fifth years of the reign of Her present Majesty, chapter ninety-seven, to be construed in reference to any offence committed under such last-mentioned Act.

"Maliciously" in this Act construed as in Malicious Injuries to Property Act.

Saving Clause.

16. Nothing in this Act shall apply to seamen or to apprentices to the sea service.

Saving as to sea service.

Repeal.

17. On and after the commencement of this Act, there shall be repealed:—

Repeal of Acts.

I. The Act of the session of the thirty-fourth and thirty-fifth years of the reign of Her present Majesty, chapter thirty-two, intituled "An Act to amend the Criminal "Law relating to violence, threats, and molestation;" and

II. "The Master and Servant Act, 1867," and the enactments specified in the First Schedule to that Act, with the exceptions following as to the enactments in such Schedule; (that is to say,)

(1.) Except so much of sections one and two of the Act passed in the thirty-third year of the reign of King George the Third, chapter fifty-five, intituled "An Act to authorise justices of the peace to impose "fines upon constables, overseers, and other peace or "parish officers for neglect of duty, and on masters "of apprentices for ill-usage of such their apprentice; "and also to make provision for the execution of "warrants of distress granted by magistrates," as relates to constables, overseers, and other peace or parish officers; and

(2) Except so much of sections five and six of an Act passed in the fifty-ninth year of the reign of King George the Third, chapter ninety-two, intituled "An "Act to enable justices of the peace in Ireland to "act as such, in certain cases, out of the limits of "the counties in which they actually are; to make "provision for the execution of warrants of distress "granted by them; and to authorise them to impose "fines upon constables and other officers for neglect "of duty, and on masters for ill-usage of their "apprentices," as relates to constables and other peace or parish officers; and

(3.) Except the Act of the session of the fifth and sixth years of the reign of Her present Majesty, chapter seven, intituled "An Act to explain the Acts for "the better regulation of certain apprentices;" and

(4) Except sub-sections one, two, three, and five of section sixteen of "The Summary Jurisdiction (Ireland) Act, 1851," relating to certain disputes between employers and the persons employed by them; and

III. Also there shall be repealed the following enactments making breaches of contract criminal, and relating to the recovery of wages by summary procedure; (that is to say,)

(*a*) An Act passed in the fifth year of the reign of Queen Elizabeth, chapter four, and intituled "An "Act touching dyvers orders for artificers, labourers, "servantes of husbandrye, and apprentices;" and

(*b*.) So much of section two of an Act passed in the twelfth year of King George the First, chapter thirty-four, and intituled "An Act to prevent unlawful "combination of workmen employed in the woollen "manufactures, and for better payment of their "wages," as relates to departing from service and quitting or returning work before it is finished; and

(*c*.) Section twenty of an Act passed in the fifth year of King George the Third, chapter fifty-one, the title of which begins with the words "An Act for "repealing several Laws relating to the manufacture "of woollen cloth in the county of York," and ends with the words "for preserving the credit of "the said manufacture at the foreign market;" and

(*d*.) An Act passed in the nineteenth year of King George the Third, chapter forty-nine, and intituled "An Act to prevent abuses in the payment of wages "to persons employed in the bone and thread lace "manufactory;" and

(*e.*) Sections eighteen and twenty-three of an Act passed in the session of the third and fourth years of Her present Majesty, chapter ninety-one, intituled "An "Act for the more effectual prevention of frauds "and abuses committed by weavers, sewers, and "other persons employed in the linen, hempen, "union, cotton, silk, and woollen manufactures in "Ireland, and for the better payment of their wages, "for one year, and from thence to the end of the "next session of Parliament;" and

(*f.*) Section seventeen of an Act passed in the session of the sixth and seventh years of Her present Majesty, chapter forty, the title of which begins with the words "An Act to amend the Laws," and ends with the words "workmen engaged therein;" and

(*g.*) Section seven of an Act passed in the session of the eighth and ninth years of Her present Majesty, chapter one hundred and twenty-eight, and intituled "An Act to make further regulations respecting the "tickets of work to be delivered to silk weavers in "certain cases."

Provided that,—

(1.) Any order for wages or further sum of compensation in addition to wages made in pursuance of section sixteen of "The Summary Jurisdiction (Ireland) Act, 1851," may be enforced in like manner as if it were an order made by a court of summary jurisdiction in pursuance of the Employers and Workmen Act, 1875, and not otherwise; and

(2.) The repeal enacted by this section shall not affect—

(*a.*) Anything duly done or suffered, or any right or liability acquired or incurred under any enactment hereby repealed; or

(*b.*) Any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment hereby repealed; or

(*c.*) Any investigation, legal proceeding, or remedy in respect of any such right, liability, penalty, forfeiture, or punishment as aforesaid; and any such investigation, legal proceeding, and remedy may be carried on as if this Act had not passed.

Application of Act to Scotland.

Application to Scotland.

18. This Act shall extend to Scotland, with the modifications following; that is to say,

Definitions.

(1.) The expression "municipal authority" means the town council of any royal or parliamentary burgh, or the

commissioners of police of any burgh, town, or populous place under the provisions of the General Police and Improvement (Scotland) Act, 1862, or any local authority under the provisions of the Public Health (Scotland) Act, 1867:

(2.) The expression "The Summary Jurisdiction Act" means the Summary Procedure Act, 1864, and any Acts amending the same:

(3.) The expression "the court of summary jurisdiction" means the sheriff of the county or any one of his substitutes.

Recovery of penalties, &c. in Scotland.

19. In Scotland the following provisions shall have effect in regard to the prosecution of offences, recovery of penalties, and making of orders under this Act:

(1.) Every offence under this Act shall be prosecuted, every penalty recovered, and every order made at the instance of the Lord Advocate, or of the Procurator Fiscal of the sheriff court:

(2.) The proceedings may be on indictment in the Court of Justiciary in Edinburgh or on circuit or in a sheriff court, or may be taken summarily in the sheriff court under the provisions of the Summary Procedure Act, 1864:

(3.) Every person found liable on conviction to pay any penalty under this Act shall be liable, in default of payment within a time to be fixed in the conviction, to be imprisoned for a term, to be also fixed therein, not exceeding two months, or until such penalty shall be sooner paid, and the conviction and warrant may be in the form of No. 3 of Schedule K. of the Summary Procedure Act, 1864:

(4.) In Scotland all penalties imposed in pursuance of this Act shall be paid to the clerk of the court imposing them, and shall by him be accounted for and paid to the Queen's and Lord Treasurer's Remembrancer, and be carried to the Consolidated Fund.

Appeal in Scotland as prescribed by 20 G. 2. c. 43.

20. In Scotland it shall be competent to any person to appeal against any order or conviction under this Act to the next circuit Court of Justiciary, or where there are no circuit courts to the High Court of Justiciary at Edinburgh, in the manner prescribed by and under the rules, limitations, conditions, and restrictions contained in the Act passed in the twentieth year of the reign of His Majesty King George the Second, chapter forty-three, in regard to appeals to circuit courts in matters criminal, as the same may be altered or amended by any Acts of Parliament for the time being in force.

Application of Act to Ireland.

21. This Act shall extend to Ireland, with the modifications following; that is to say, Application to Ireland.

The expression "The Summary Jurisdiction Act" shall be construed to mean, as regards the police district of Dublin metropolis, the Acts regulating the powers and duties of justices of the peace for such district; and elsewhere in Ireland, the Petty Sessions (Ireland) Act, 1851, and any Acts amending the same:

The expression "court of summary jurisdiction" shall be construed to mean any justice or justices of the peace, or other magistrate to whom jurisdiction is given by the Summary Jurisdiction Act:

The court of summary jurisdiction, when hearing and determining complaints under this Act, shall in the police district of Dublin metropolis be constituted of one or more of the divisional justices of the said district, and elsewhere in Ireland of two or more justices of the peace in petty sessions sitting at a place appointed for holding petty sessions:

The expression "municipal authority" shall be construed to mean the town council of any borough for the time being subject to the Act of the session of the third and fourth years of the reign of Her present Majesty, chapter one hundred and eight, entitled "An Act for the Regulation "of Municipal Corporations in Ireland," and any commissioners invested by any general or local Act of Parliament, with power of improving, cleansing, lighting, or paving any town or township.

CHAPTER 87.

An Act to simplify Titles and facilitate the Transfer of Land in England. [13th August 1875.]

WHEREAS it is expedient to make further provision for the simplification of the title to land, and for facilitating the transfer of land, in England:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

PRELIMINARY. *Preliminary.*

1. This Act may be cited as The Land Transfer Act, 1875. Short title.

2. This Act shall not apply to Scotland or Ireland, and land shall not be registered under this Act unless it is of Application of Act.

freehold tenure or is leasehold held under a lease which is either immediately or mediately derived out of land of freehold tenure; but for the purposes of this Act customary freehold, in any case in which an admission or any act by the lord of the manor is necessary to perfect the title of a purchase from the customary tenant, shall not be deemed to be land of freehold tenure.

Commencement of Act.

3. This Act shall come into operation on the 1st day of January 1876, which day is in this Act referred to as the commencement of this Act; but any orders or rules, and any appointment to any office, may be made under this Act at any time after the passing thereof, but shall not take effect until the commencement of this Act.

Construction of terms in Act.

4. In this Act, unless there is something inconsistent in the context,—

"Person" includes a corporation and any body of persons unincorporate:

"Registrar," "court," and "general rules," means such "registrar," "court," and "general rules," as are in this Act respectively in that behalf mentioned:

"Prescribed" means prescribed by any general rules made in pursuance of this Act:

"The Court of Chancery," and "Court of Appeal in Chancery," and "Her Majesty's Superior Courts," include any courts in which the powers of the Courts so referred to by name, may be for the time being vested:

"The Land Registry Act, 1862," means the Act passed in the session held in the twenty-fifth and twenty-sixth years of the reign of Her present Majesty, chapter fifty-three, intituled "An Act to facilitate the proof of "title to and the conveyance of real estates."

The definition of land contained in the Act of the thirteenth and fourteenth years of the reign of Her present Majesty, chapter twenty-one, intituled "An Act for shortening the "language used in Acts of Parliament," shall not apply to this Act.

PART I. *Entry of Land on Register of Title.*

PART I.

ENTRY OF LAND ON REGISTER OF TITLE.

(1.) *Freehold Land.*

Application for registration with an absolute title, or with a possessory title only.

5. A land registry shall be established, and on and after the commencement of this Act the following persons; (that is to say,)

(1.) Any person who has contracted to buy for his own benefit an estate in fee simple in land, whether subject or not to incumbrances; and

PART I. *Entry of Land on Register of Title.*

(2.) Any person entitled for his own benefit at law or in equity to an estate in fee simple in land, whether subject or not to incumbrances; and

(3.) Any person capable of disposing for his own benefit by way of sale of an estate in fee simple in land, whether subject or not to incumbrances,

may apply to the registrar under this Act to be registered, or to have registered in his stead any nominee or nominees not exceeding the prescribed number, as proprietor or proprietors of such freehold land with an absolute title or with a possessory title only: Provided, that in the case of land contracted to be bought, the vendor consents to the application.

Evidence of title required on application.

6. Where an absolute title is required the applicant or his nominee shall not be registered as proprietor of the fee simple until and unless the title is approved by the registrar.

Where a possessory title only is required the applicant or his nominee may be registered as proprietor of the fee simple on giving such evidence of title and serving such notices, if any, as may for the time being be prescribed.

Estate of first registered proprietor with absolute title.

7. The first registration of any person as proprietor of freehold land, (in this Act referred to as first registered proprietor,) with an absolute title, shall vest in the person so registered an estate in fee simple in such land, together with all rights, privileges, and appurtenances belonging or appurtenant thereto, subject as follows:

(1.) To the incumbrances, if any, entered on the register; and

(2.) Unless, under the provisions of this Act, the contrary is expressed on the register, to such liabilities, rights, and interests, if any, as are by this Act declared not to be incumbrances; and

(3.) Where such first proprietor is not entitled for his own benefit to the land registered as between himself and any persons claiming under him, to any unregistered estates, rights, interests, or equities to which such persons may be entitled,

but free from all other estates and interests whatsoever, including estates and interests of Her Majesty, her heirs and successors.

Estate of first registered proprietor with possessory title.

8. The registration of any person as first registered proprietor of freehold land with a possessory title only shall not affect or prejudice the enforcement of any estate, right, or interest adverse to or in derogation of the title of such first registered proprietor, and subsisting or capable of arising at the time of registration of such proprietor; but, save as aforesaid, shall have the same effect as registration of a person with an absolute title.

A qualified title may be registered in certain cases.

9. Where an absolute title is required, and on the examination of the title it appears to the registrar that the title can be established only for a limited period, or subject to certain

PART I.
Entry of Land on Register of Title.

reservations, the registrar may, on the application of the party applying to be registered, by an entry made in the register, except from the effect of registration any estate, right, or interest arising before a specified date, or arising under a specified instrument or otherwise particularly described in the register, and a title registered subject to such excepted estate, right, or interest shall be called a qualified title, and the registration of a person as first registered proprietor of land with a qualified title shall have the same effect as the registration of such person with an absolute title, save that registration with a qualified title shall not affect or prejudice the enforcement of any estate, right, or interest appearing by the register to be excepted.

Land certificate given on registration.

10. On the entry of the name of the first registered proprietor of freehold land on the register, the registrar shall, if required by such proprietor, deliver to him a certificate, in this Act called a land certificate, in the prescribed form; the certificate shall state whether the title of the proprietor therein mentioned is absolute, qualified, or possessory.

(2.) *Leasehold Land.*

Application for registration with or without a declaration of title of lessor to grant lease.

11. A separate register shall be kept of leasehold land, and on and after the commencement of this Act any of the following persons; that is to say,

(1.) Any person who has contracted to buy for his own benefit leasehold land held under a lease for a life or lives, or determinable on a life or lives, or for a term of years of which more than twenty-one are unexpired, whether subject or not to incumbrances; and

(2.) Any person entitled for his own benefit, at law or in equity, to leasehold land held under any such lease as is described in this section, whether subject or not to incumbrances; and

(3.) Any person capable of disposing for his own benefit by way of sale of leasehold land held under any such lease as is described in this section, whether subject or not to incumbrances;

may apply to the registrar to be registered, or to have registered in his stead any nominee or nominees not exceeding the prescribed number, as proprietor or proprietors of such leasehold land, with the addition where the lease under which the land is held is derived immediately out of freehold land, and the applicant is able to submit for examination the title of the lessor, of a declaration of the title of the lessor to grant the lease under which the land is held:

Provided,—

That in the case of leasehold land contracted to be bought, the vendor consents to the application.

Every applicant for registration of leasehold land shall deposit with the registrar the lease of the land in respect of

which the application is made, or if such lease is proved to the satisfaction of the registrar to be lost a copy of such lease or of a counter-part thereof, verified to the satisfaction of the registrar; and such lease or attested copy is in this Act referred to as the registered lease.

Leasehold land held under a lease containing an absolute prohibition against alienation, shall not be registered in pursuance of this Act; and leasehold land held under a lease containing a prohibition against alienation without the license of some other person, shall not be registered under this Act until and unless provision is made in the prescribed manner for preventing alienation without such license by entry on the register of a restriction to that effect, or otherwise.

Evidence of title required on application.

12. An applicant or his nominee shall not be registered as proprietor of leasehold land until and unless the title to such land is approved by the registrar; and further, if he apply to be registered as proprietor of leasehold land with a declaration of the title of the lessor to grant the lease under which the land is held, until and unless the lessor, after an examination of his title by the registrar is declared to have had an absolute or qualified title to grant the lease under which the land is held.

Estate of first registered proprietor of leasehold land with a declaration of absolute title of lessor to grant lease.

13. The registration under this Act of any person as first registered proprietor of leasehold land with a declaration that the lessor had an absolute title to grant the lease under which the land is held shall be deemed to vest in such person the possession of the land comprised in the registered lease relating to such land for all the leasehold estate therein described, with all implied or expressed rights, privileges, and appurtenances attached to such estate, but subject as follows:

(1.) To all implied and express covenants, obligations, and liabilities incident to such leasehold estate; and

(2.) To the incumbrances (if any) entered on the register; and

(3.) Unless the contrary is expressed on the register, to such liabilities, rights, and interests as affect the leasehold estate and are by this Act declared not to be incumbrances in the case of registered freehold land; and

(4.) Where such first proprietor is not entitled for his own benefit to the land registered as between himself and any persons claiming under him, to any unregistered estates, rights, interests, or equities to which such persons may be entitled,

but free from all other estates and interests whatsoever, including estates and interests of Her Majesty, her heirs and successors.

Estate of first registered proprietor of

14. The registration of any person under this Act as first registered proprietor of leasehold land without a declaration

PART I. *Entry of Land on Register of Title.*

Leasehold land without a declaration of title of lessor to grant lease.

of the title of the lessor shall not affect or prejudice the enforcement of any estate, right, or interest affecting or in derogation of the title of the lessor to grant the lease under which the land is held; but, save as aforesaid, shall have the same effect as the registration of any person under this Act as first registered proprietor of leasehold land with a declaration that the lessor had an absolute title to grant the lease under which the land is held.

Lessor may be declared to have a qualified title to grant lease in certain cases

15. Where an absolute title is required, and on the examination of the title of any lessor by the registrar it appears to him that the title of such lessor to grant the lease under which the land is held can be established only for a limited period or subject to certain reservations, the registrar may, by an entry made in the register, except from the effect of registration any estate, right, or interest arising before a specified date or arising under a specified instrument, or otherwise particularly described in the register; and a title of a lessor registered subject to such excepted estate, right, or interest is in this Act referred to as a qualified title; and the registration of a person as first registered proprietor of leasehold land with a declaration that the lessor had a qualified title to grant the lease under which the land is held shall have the same effect as the registration of such person with a declaration that the lessor had an absolute title to grant the lease under which the land is held, save that registration with the declaration of a qualified title shall not affect or prejudice the enforcement of any right or interest appearing by the register to be excepted.

Office lease given on registration.

16. On the entry of the name of the first registered proprietor of leasehold land on the register, the registrar shall, if required by the proprietor, deliver to him a copy of the registered lease, in this Act called an office copy, authenticated in the prescribed manner, and there shall be endorsed thereon a statement whether any declaration, absolute or qualified, as to the title of the lessor has been made, and any other particulars relating to such lease entered in the register.

FREEHOLD AND LEASEHOLD LAND.

Regulations as to examination of title by registrar.

17. The examination by the registrar of any title under this Act shall be conducted in the prescribed manner, provided that—

(1.) Due notice shall be given, where the giving of such notice is prescribed, and sufficient opportunity be afforded to any persons desirous of objecting to come in and state their objections to the registrar; and

(2.) The registrar shall have jurisdiction to hear and determine any such objections, subject to an appeal to the Court in the prescribed manner and on the prescribed conditions; and

PART I.
Entry of Land on Register of Title.

(3.) If the registrar, upon the examination of any title, is of opinion that the title is open to objection, but is nevertheless a title the holding under which will not be disturbed, he may approve of such title, or may require the applicant to apply to the court, upon a statement signed by the registrar, for its sanction to the registration; and

(4.) The registrar may accept as evidence recitals, statements, and descriptions of facts, matters, and parties in deeds, instruments, or statutory declarations not less than twenty years old.

Liability of registered land to easements and certain other rights.

18. All registered land shall, unless under the provisions of this Act the contrary is expressed on the register, be deemed to be subject to such of the following liabilities, rights, and interests as may be for the time being subsisting in reference thereto, and such liabilities, rights, and interests shall not be deemed incumbrances within the meaning of this Act; (that is to say,)

(1.) Liability to repair highways by reason of tenure, quit-rents, crown rents, heriots, and other rents and charges having their origin in tenure; and

(2.) Succession duty, land tax, tithe rentcharge, and payments in lieu of tithes, or of tithe rentcharge; and

(3.) Rights of common, rights of sheepwalk, rights of way, watercourses, and rights of water, and other easements; and

(4.) Rights to mines and minerals; and

(5.) Rights of entry, search, and user, and other rights and reservations incidental to or required for the purpose of giving full effect to the enjoyment of rights to mines and minerals, or of property in mines or minerals; and

(6.) Rights of fishing and sporting, seignorial and manorial rights of all descriptions, and franchises, exerciseable over the registered lands; and

(7.) Leases or agreements for leases and other tenancies for any term not exceeding twenty-one years, or for any less estate, in cases where there is an occupation under such tenancies:

Provided as follows:

(*a.*) Where it is proved to the satisfaction of the registrar that any land registered or about to be registered is exempt from land tax or tithe rentcharge, or from payments in lieu of tithes, or of tithe rentcharge, the registrar may notify the fact on the register in the prescribed manner; and

(*b.*) The Commissioners of Inland Revenue shall, upon the application of the proprietor of any land registered or about to be registered upon such declaration being

PART I.
Entry of Land on Register of Title.

made, or such other evidence being produced as the commissioners require, and upon payment of the prescribed fee, grant a certificate that at the date of the grant thereof no succession duty is owing in respect of such land, and the registrar shall in the prescribed manner notify such fact on the register, and such notification shall be conclusive evidence of the fact so notified in respect of succession duty; and

(*c.*) Where it is proved to the satisfaction of the registrar that the right to any mines or minerals is vested in the proprietor of land registered or about to be registered, the registrar may register such proprietor in the prescribed manner as proprietor of such mines and minerals as well as of the land; and

(*d.*) Where it is proved to the satisfaction of the registrar that the right to any mines or minerals is severed from any land registered or about to be registered, the registrar may on the application of the person entitled to any such mines and minerals register him as proprietor of such mines and minerals in manner hereafter in this Act mentioned, and upon such registration being effected shall enter on the register of the land a reference to the registration of such other person as proprietor of such mines and minerals.

Where the existence of any such liabilities, rights, or interests, as are mentioned in this section, is proved to the satisfaction of the registrar, the registrar may, if he think fit, enter on the register notice of such liabilities, rights, or interests in the prescribed manner.

Discharge of incumbrance.

19. Where upon the first registration of any freehold or leasehold land, notice of an incumbrance affecting such land has been entered on the register, the registrar shall, on proof to his satisfaction of the discharge of such incumbrance, notify in the prescribed manner on the register by cancelling the original entry or otherwise the cessation of such incumbrance.

Determination of lease.

20. The registrar shall, on proof to his satisfaction of the determination of any lease of registered leasehold land, notify in the prescribed manner on the register the determination of such lease.

No acquisition of title by adverse possession.

21. A title to any land adverse to or in derogation of the title of the registered proprietor shall not be acquired by any length of possession, but this section shall not prejudice, as against any person registered as first proprietor of land with a possessory title only, any adverse claim in respect of length of possession of any other person who was in possession of such land at the time when the registration of such first proprietor took place.

PART II.

REGISTERED DEALINGS WITH REGISTERED LAND.

Mortgage of Registered Land.

PART II. *Registered Dealings with Registered Land.*

Creation of charges, and delivery of certificate of charge.

22. Every registered proprietor of any freehold or leasehold land may in the prescribed manner charge such land with the payment at an appointed time of any principal sum of money either with or without interest, and with or without a power of sale to be exercised at or after a time appointed. The charge shall be completed by the registrar entering on the register the person in whose favour the charge is made as the proprietor of such charge, and the particulars of the charge, and of the power of sale, if any; the registrar shall also, if required, deliver to the proprietor of the charge a certificate of charge in the prescribed form.

Implied covenant to pay charges.

23. Where a registered charge is created on any land there shall be implied on the part of the person being registered proprietor of such land at the time of the creation of the charge, his heirs, executors, and administrators, unless there be an entry on the register negativing such implication, a covenant with the registered proprietor for the time being of the charge to pay the principal sum charged, and interest, if any, thereon, at the appointed time and rate; also a covenant, if the principal sum or any part thereof is unpaid at the appointed time, to pay interest half-yearly at the appointed rate on so much of the principal sum as for the time being remains unpaid.

Implied covenant in case of leaseholds to pay rent, &c., and indemnify proprietor of charge.

24. Where a registered charge is created on any leasehold land there shall be implied on the part of the person being registered proprietor of such land at the time of the creation of the charge, his heirs, executors, and administrators, unless there be an entry on the register negativing such implication, a covenant with the registered proprietor for the time being of the charge, that the person being registered proprietor of such land at the time of the creation of the charge, his executors, administrators, and assigns, will pay, perform, and observe the rent, covenants, and conditions by and in the registered lease reserved and contained, and on the part of the lessee to be paid, performed, and observed, and will keep the proprietor of the charge, his heirs, executors, and administrators, indemnified against all actions, suits, expenses, and claims, on account of the non-payment of the said rent, or any part thereof, or the breach of the said covenants or conditions, or any of them.

Entry by proprietor of charge.

25. Subject to any entry to the contrary on the register, the registered proprietor of a registered charge may, for the purpose of obtaining satisfaction of any moneys due to him under the charge, at any time during the continuance of his charge, enter upon the land charged, or any part thereof, or

PART II. *Registered Dealings with Registered Land*

into the receipt of the rents and profits thereof, subject nevertheless to the right of any persons appearing on the register to be prior incumbrancers, and to the liability attached to a mortgagee in possession

Foreclosure by proprietor of charge.

26. Subject to any entry to the contrary on the register, the registered proprietor of a registered charge may enforce a foreclosure or sale of the land charged, in the same manner and under the same circumstances in and under which he might enforce the same if the land had been transferred to him by way of mortgage, subject to a proviso for redemption on payment of the money named at the appointed time.

Remedy of proprietor of charge with a power of sale.

27. Subject to any entry to the contrary on the register, the registered proprietor of a registered charge with a power of sale may, at any time. after the expiration of the appointed time, sell and transfer the land on which he has a registered charge, or any part thereof, in the same manner as if he were the registered proprietor of such land.

Priority and discharge of registered charges.

28. Subject to any entry to the contrary on the register, registered charges on the same land shall as between themselves rank according to the order in which they are entered on the register, and not according to the order in which they are created.

The registrar shall, on the requisition of the registered proprietor of any charge, or on due proof of the satisfaction thereof, notify on the register in the prescribed manner by cancelling the original entry or otherwise the cessation of the charge, and thereupon the charge shall be deemed to have ceased.

Transfer of Freehold Land.

Transfer of freehold land, and delivery of land certificate.

29. Every registered proprietor of freehold land may, in the prescribed manner, transfer such land or any part thereof. The transfer shall be completed by the registrar entering on the register the transferee as proprietor of the land transferred, but until such entry is made the transferor shall be deemed to remain proprietor of the land.

Upon completion of the registration of the transferee the registrar shall, if required, deliver to him a land certificate in the prescribed form; he shall also, in cases where part only of the land is transferred, if required, deliver to the transferor a land certificate, containing a description of the land retained by him.

Estate of transferee for valuable consideration of freehold land with absolute title.

30. A transfer for valuable consideration of freehold land registered with an absolute title shall, when registered, confer on the transferee an estate in fee simple in the land transferred, together with all rights, privileges, and appurtenances belonging or appurtenant thereto, subject as follows:

(1.) To the incumbrances, if any, entered on the register; and

(2.) Unless the contrary is expressed on the register, to such liabilities, rights, and interests, if any, as are by this Act declared not to be incumbrances,

but free from all other estates and interests whatsoever, including estates and interests of Her Majesty, her heirs and successors.

Estate of transferee for valuable consideration of freehold land with qualified title.

31. A transfer for valuable consideration of freehold land registered with a qualified title shall, when registered, have the same effect as a transfer for valuable consideration of the same land registered with an absolute title, save that such transfer shall not affect or prejudice the enforcement of any right or interest appearing by the register to be excepted.

Estate of transferee for valuable consideration of freehold land with possessory title.

32. A transfer for valuable consideration of freehold land registered with a possessory title shall not affect or prejudice the enforcement of any right or interest adverse to or in derogation of the title of the first registered proprietor, and subsisting or capable of arising at the time of the registration of such proprietor; but, save as aforesaid, shall when registered have the same effect as a transfer for valuable consideration of the same land registered with an absolute title.

Estate of voluntary transferee of freehold land.

33. A transfer of freehold land made without valuable consideration shall, so far as the transferee is concerned, be subject to any unregistered estates, rights, interests, or equities subject to which the transferor held the same, but, save as aforesaid, shall, when registered, in all respects, and in particular as respects any registered dealings on the part of the transferee, have the same effect as a transfer of the same land for valuable consideration.

Transfer of Leasehold Land.

Transfer of leasehold land, and delivery of office lease.

34. Every registered proprietor of leasehold land may, in the prescribed manner, transfer the whole of his estate in such land or in any part thereof. The transfer shall be completed by the registrar entering on the register the transferee as proprietor of the land transferred, but until such entry is made the transferor shall be deemed to remain proprietor of the land.

Upon completion of the registration of the transferee, if the transfer includes the whole of the land comprised in the registered lease relating to such land, the transferee shall be entitled to the office copy of the registered lease; but if a part only is transferred, the registrar shall, if required, according to any agreement that may have been entered into between the transferor and transferee, deliver to the one the office copy of the registered lease and to the other a fresh office copy of such lease, each of such copies showing by endorsement or otherwise the parcels of which the person to whom such copy is delivered is the registered proprietor.

Estate of transferee for valuable con-

35. A transfer for valuable consideration of leasehold land registered with a declaration that the lessor had an absolute

PART II. *Registered Dealings with Registered Land.*

sideration of leasehold land with a declaration of absolute title of lessor.

title to grant the lease under which the land is held shall when registered, be deemed to vest in the transferee the possession of the land transferred for all the leasehold estate described in the registered lease relating to such land, with all implied or expressed rights, privileges, and appurtenances attached to such estate, but subject as follows:

(1.) To all implied and express covenants, obligations, and liabilities incident to such estate; and

(2.) To the incumbrances (if any) entered on the register; and

(3.) Unless the contrary is expressed on the register, to such liabilities, rights, and interests as affect the leasehold estate and are by this Act declared not to be incumbrances in the case of registered freehold land;

but free from all other estates and interests whatsoever, including estates and interests of Her Majesty, her heirs and successors.

Estate of transferee for valuable consideration of leasehold land with a declaration of qualified absolute title of lessor.

36. A transfer for valuable consideration of leasehold land registered with a declaration that the lessor had a qualified title to grant the lease under which the land is held shall, when registered, have the same effect as a transfer for valuable consideration of the same land registered with a declaration that the lessor had an absolute title to grant the lease under which the land is held, save that such transfer shall not affect or prejudice the enforcement of any right or interest appearing by the register to be excepted from the effect of registration.

Estate of transferee for valuable consideration of leasehold land without a declaration of title of lessor.

37. A transfer for valuable consideration of leasehold land registered without a declaration of the title of the lessor shall not affect the enforcement of any estate, right, or interest affecting or in derogation of the title of the lessor to grant the lease under which the land is held; but, save as aforesaid, shall, when registered, have the same effect as a transfer for valuable consideration of the same land registered with a declaration that the lessor had an absolute title to grant the lease under which the land is held.

Estate of voluntary transferee of leasehold land.

38. A transfer of leasehold land made without valuable consideration shall, so far as the transferee is concerned, be subject to any unregistered estates, rights, interests, or equities subject to which the transferor held the same; but, save as aforesaid, shall, when registered, in all respects and in particular as respects any registered dealings on the part of the transferee, have the same effect as a transfer of the same land for valuable consideration.

Implied covenants on transfer of leasehold estates.

39. On the transfer of any leasehold land under this Act, unless there be an entry on the register negativing such implication, there shall be implied as follows; (that is to say,)

(1.) On the part of the transferor a covenant with the transferee that, notwithstanding anything by such transferor done, omitted, or knowingly suffered, the rent, covenants, and conditions reserved and con-

tained by and in the registered lease, and on the part of the lessee to be paid, performed, and observed, have been so paid, performed, and observed up to the date of the transfer; and

(2.) On the part of the transferee a covenant with the transferor, that he, the transferee, his executors, administrators, or assigns, will pay, perform, and observe the rent, covenants, and conditions by and in the registered lease reserved and contained, and on the part of the lessee to be paid, performed, and observed, and will keep the transferor, his heirs, executors, and administrators, indemnified against all actions, suits, expenses, and claims on account of the nonpayment of the said rent or any part thereof, or the breach of the said covenants or conditions, or any of them.

Transfer of Charges

Transfer of charges on register.

40. The registered proprietor of any charge may, in the prescribed manner, transfer such charge to another person as proprietor. The transfer shall be completed by the registrar entering on the register the transferee as proprietor of the charge transferred; the registrar shall also, if required, deliver to the transferee a fresh certificate of charge, but the transferor shall be deemed to remain proprietor of such charge until the name of the transferee is entered on the register in respect thereof.

Transmission of Land and Charges.

Transmission on death of freehold land.

41. On the death of the sole registered proprietor, or of the survivor of several joint registered proprietors of any freehold land, such person shall be registered as proprietor in the place of the deceased proprietor or proprietors as may on the application of any person interested in the land, be appointed by the registrar, regard being had to the rights of the several persons interested in such land, and in particular to the selection of such person as may for the time being appear to the registrar to be entitled, according to law to be so appointed, subject to an appeal to the court in the prescribed manner by any person aggrieved by any order of the registrar under this section.

Transmission on death of leasehold land or of charge.

42. On the death of the sole registered proprietor, or of the survivor of several joint registered proprietors of any leasehold land or of any charge, the executor or administrator of such sole deceased proprietor, or of the survivor of such joint proprietors, shall be entitled to be registered as proprietor in his place.

Transmission on bankruptcy of land or charge.

43. Upon the bankruptcy of any registered proprietor of any land or charge, or on the liquidation of his affairs by arrangement, his trustee shall be entitled to be registered as proprietor in his place.

PART II *Registered Dealings with Registered Land.*

Effect of marriage of female proprietor of freehold land.

44. The husband of any female registered proprietor of freehold land may apply to be registered as co-proprietor with his wife, but he shall be described on the register as co-proprietor in right of his wife, and on his death in her lifetime the original registry of the wife, with a change if necessary in the name, shall revive, and confer the same rights as if her husband had never been registered as co-proprietor with her subject nevertheless to any registered disposition which may have been made by the husband and wife in the meantime. If the husband survives the wife he shall not be entitled to be registered as sole proprietor of the land, but there shall be registered as co-proprietor with him if he is entitled as tenant by the curtesy, and as sole proprietor in place of himself and his deceased wife if he is not entitled as tenant by the curtesy, such person as may, on the application of any person interested in right of the wife, be appointed by the registrar, with power for the registrar on a like application to appoint from time to time another person or other persons in the event of any person registered as co-proprietor with the husband dying in his lifetime.

Any person aggrieved by any order of the registrar under this section may appeal to the court in the prescribed manner.

Effect of marriage of female proprietor of leasehold land or charge.

45. The husband of any female registered proprietor of leasehold land or of a charge may apply to be registered as proprietor in her place.

Nature of title of registered fiduciary proprietor.

46. Any person registered in the place of a deceased or bankrupt proprietor shall hold the land or charge in respect of which he is registered upon the trusts and for the purposes to which the same is applicable by law, and subject to any unregistered estates, rights, interests, or equities subject to which the deceased or bankrupt proprietor held the same; but, save as aforesaid, he shall in all respects, and in particular as respects any registered dealings with such land or charge, be in the same position as if he had taken such land or charge under a transfer for a valuable consideration.

Evidence of transmission of registered proprietorship.

47. The fact of any person having become entitled to any land or charge in consequence of the death or bankruptcy of any registered proprietor, or of the marriage of any female proprietor, shall be proved in the prescribed manner.

Repeal and re-enactment (with amendments) of 37 & 38 Vict. c. 78. s. 5.; not to apply to registered lands.

48. Section five of the Vendor and Purchaser Act, 1874, shall be repealed on and after the commencement of this Act, except as to anything duly done thereunder before the commencement of this Act; and, instead thereof, be it enacted that upon the death of a bare trustee intestate as to any corporeal or incorporeal hereditament of which such trustee was seised in fee simple, such hereditament shall vest like a chattel real in the legal personal representative from time to time of such trustee; but the enactment by this section substituted for the aforesaid section of "The Vendor and Purchaser Act, 1874," shall not apply to lands registered under this Act

PART III.

UNREGISTERED DEALINGS WITH REGISTERED LAND.

PART III. *Unregistered Dealings with Registered Land.*

Effect of unregistered dispositions.

49. The registered proprietor alone shall be entitled to transfer or charge registered land by a registered disposition; but, subject to the maintenance of the estate and right of such proprietor, any person, whether the registered proprietor or not of any registered land, having a sufficient estate or interest in such land, may create estates, rights, interests and equities in the same manner as he might do if the land were not registered; and any person entitled to or interested in any unregistered estates, rights, interests, or equities in registered land may protect the same from being impaired by any act of the registered proprietor by entering on the register such notices, cautions, inhibitions, or other restrictions as are in this Act in that behalf mentioned.

The registered proprietor alone shall be entitled to transfer a registered charge by a registered disposition; but, subject to the maintenance of the right of such proprietor, unregistered interests in a registered charge may be created in the same manner and with the same incidents, so far as the difference of the subject-matter admits, in and with which unregistered estates and interests may be created in registered land.

Notice of Leases.

Lessee may apply for registration of notice of lease.

50. Any lessee or other person entitled to or interested in a lease or agreement for a lease of registered land made subsequently to the last transfer of the land on the register, where the term granted is for a life or lives, or is determinable on a life or lives, or exceeds twenty-one years, or where the occupation is not in accordance with such lease or agreement, may apply to the registrar to register notice of such lease or agreement in the prescribed manner, and when so registered every registered proprietor of the land, and every person deriving title through him, excepting proprietors of incumbrances registered prior to the registration of such notice, shall be deemed to be affected with notice of such lease or agreement as being an incumbrance on the land in respect of which the notice is entered.

Manner of registering notices of leases.

51. In order to register notice of a lease or agreement for a lease, if the registered proprietor of the land does not concur in such registry, the applicant shall obtain an order of the court, authorising the registration of notice of such lease or agreement, and shall deliver such order to the registrar, accompanied with the original lease or agreement or a copy thereof, and thereupon the registrar shall make a note in the register identifying the lease or agreement or copy so deposited, and the lease or agreement or copy so deposited shall be deemed to be the instrument of which notice is given; but

PART III. *Unregistered Dealings with Registered Land*

if the registered proprietor concurs in such registry, notice may be entered in such manner as may be agreed upon.

Notice of Estates in Dower or by the Curtesy.

Registration of notices of estates in dower or by the curtesy.

52. Any person entitled to an estate in dower or by the curtesy in any registered land may apply in the prescribed manner to the registrar to register notice of such estate; and the registrar, if satisfied of the title of such person to such estate, shall register notice of the same accordingly in the prescribed form; and when so registered, such estate shall be an incumbrance appearing on the register, and shall be dealt with accordingly

Cautions against registered Dealings.

Caution against registered dealings how to be lodged

53. Any person interested under any unregistered instrument, or interested as a judgment creditor, or otherwise howsoever, in any land or charge registered in the name of any other person, may lodge a caution with the registrar to the effect that no dealing with such land or charge be had on the part of the registered proprietor until notice has been served upon the cautioner.

The caution shall be supported by an affidavit or declaration made by the cautioner or his agent in the prescribed form, and containing the prescribed particulars.

Provided, that a person interested under a lease or agreement for a lease of which notice has been entered on the register, or entitled to an estate in dower, or estate by the curtesy, of which notice has been entered on the register, shall not be entitled to a caution in respect of such lease or estate in dower or by the curtesy

Cautioner entitled to notice of proposed registered dealings

54. After any such caution has been lodged in respect of any land or charge, the registrar shall not, without the consent of the cautioner, register any dealing with such land or charge until he has served notice on the cautioner, warning him that his caution will cease to have any effect after the expiration of the prescribed number of days next ensuing the date at which such notice is served; and after the expiration of such time as aforesaid the caution shall cease unless an order to the contrary is made by the registrar, and upon the caution so ceasing the land or charge shall be dealt with in the same manner as if no caution had been lodged.

Registered dealings delayed on bond being given

55. If before the expiration of the said period the cautioner, or some other person on his behalf, appears before the registrar, and gives sufficient security to indemnify every party against any damage that may be sustained by reason of any dealing with the land or charge being delayed, the registrar may thereupon, if he thinks fit so to do, delay registering any dealing with the land or charge for such further period as he thinks just.

PART III. *Unregistered Dealings with Registered Land.*

Compensation for improper lodging of caution.

56. If any person lodges a caution with the registrar without reasonable cause, he shall be liable to make to any person who may have sustained damage by the lodging of such caution such compensation as may be just, and such compensation shall be recoverable as a debt by the person who has sustained damage from the person who lodged the caution.

Any person aggrieved by any act done by the registrar in relation to cautions under this Act, may appeal to the court in the prescribed manner.

Inhibition against registered Dealings without Order of Court.

Power of court or registrar to inhibit registered dealings.

57. The court, or, subject to an appeal to the court, the registrar, upon the application of any person interested, made in the prescribed manner, in relation to any registered land or charge, may, after directing such inquiries (if any) to be made and notices to be given and hearing such persons as the court or registrar thinks expedient, issue an order or make an entry inhibiting for a time, or until the occurrence of an event to be named in such order or entry, or generally until further order or entry, any dealing with any registered land or registered charge.

The court or registrar may make or refuse to make any such order or entry, and annex thereto any terms or conditions the court or registrar may think fit, and discharge such order or cancel such entry when granted, with or without costs, and generally act in the premises in such manner as the justice of the case requires.

Any person aggrieved by any act done by the registrar in pursuance of this section may appeal to the court in the prescribed manner.

Power of Registered Proprietor to impose Restrictions.

Power to place restrictions on register.

58. Where the registered proprietor of any land is desirous for his own sake, or at the request of some person beneficially interested in such land, to place restrictions on transferring or charging such land, such proprietor may apply to the registrar to make an entry in the register that no transfer shall be made of or charge created on such land, unless the following things, or such of them as the proprietor may determine, are done; (that is to say,)

Unless notice of any application for a transfer or for the creation of a charge is transmitted by post to such address as he may specify to the registrar:

Unless the consent of some person or persons, to be named by such proprietor, is given to the transfer or the creation of a charge:

Unless some such other matter or thing is done as may be required by the applicant and approved by the registrar.

PART III. *Unregistered Dealings with Registered Land.*

Registrar to enter restrictions in register

59. The registrar shall thereupon, if satisfied of the right of the applicant to give such directions, make a note of such directions on the register, and no transfer shall be made or charge created except in conformity with such directions; but it shall not be the duty of the registrar to enter any of the above directions, except upon such terms as to payment of fees and otherwise as may be prescribed, or to enter any restriction that the registrar may deem unreasonable, or calculated to cause inconvenience; and any such directions may at any time be withdrawn or modified at the instance of all the persons for the time being appearing by the registry to be interested in such directions, and shall also be subject to be set aside by the order of the court.

PART IV. *Provisions supplemental to foregoing Parts of Act*

PART IV.

PROVISIONS SUPPLEMENTAL TO FOREGOING PARTS OF ACT.

Caution against Entry of Land on Register.

Caution against registration of land.

60. Any person having or claiming such an interest in any land which is not already registered as entitles him to object to any disposition thereof being made without his consent, may lodge a caution with the registrar to the effect that the cautioner is entitled to notice in the prescribed form, and to be served in the prescribed manner, of any application that may be made for the registration of such land.

Caution to be supported by affidavit.

61. The caution shall be supported by an affidavit or declaration in the prescribed form, stating the nature of the interest of the cautioner, the land to be affected by such caution, and such other matters as may be prescribed.

Cautioner entitled to notice of proposed registration of land.

62. After a caution has been lodged in respect of any land, which has not already been registered, registration shall not be made of such land until notice has been served on the cautioner to appear and oppose, if he thinks fit, such registration, and the prescribed time has elapsed since the date of the service of such notice, or the cautioner has entered an appearance, which may first happen.

Compensation for improper lodging of caution

63. If any person lodges a caution with the registrar without reasonable cause, he shall be liable to make to any person who may have sustained damage by the lodging of such caution such compensation as may be just, and such compensation shall be deemed to be a debt due to the person who has sustained damage from the person who has lodged the caution

Saving as to effect of caution.

64. A caution lodged in pursuance of this Act shall not prejudice the claim or title of any person, and shall have no effect whatever except as in this Act mentioned.

Crown Lands.

PART IV. *Provisions supplemental to foregoing Parts of Act.*

Facilities for registration of Crown lands.

65. With respect to land or any estate, right, or interest in land vested in Her Majesty, her heirs or successors, either in right of the Crown or of the Duchy of Lancaster, or otherwise, or vested in any public officer or body in trust for the public service, the public officer or body having the management thereof (if any), or, if none, then such person as Her Majesty, her heirs or successors, may by writing under her or their sign manual appoint, may represent the owner of such land, estate, right, or interest for all the purposes of this Act, and shall be entitled to such notices, and may make and enter any such application or cautions, and do all such other acts, as any owner of land, or of any estate, right, or interest therein (as the case may be) is entitled to receive, make, enter, or do under this Act; and with respect to land or any estate, right, or interest in land belonging to the Duchy of Cornwall, such person as the Duke of Cornwall for the time being, or as the personage for the time being entitled to the revenues and possessions of the Duchy of Cornwall, may in writing appoint, may act as and represent the owner of such land, estate, right, or interest for all the purposes of this Act, and shall be entitled to receive such notices, and may make and enter any such application or cautions, and do all such other acts as any owner of land or of any estate, right, or interest in land (as the case may be) is entitled to make, enter, or do under this Act.

Registry of land below high-water mark.

66. If it appears to the registrar that any land, application for registration whereof is made to him, comprises land below high-water mark at ordinary spring tides, he shall not register the land unless and until he is satisfied that at least one month's notice in writing of the application has been given to the Board of Trade; and in case of land in the county palatine of Lancaster, also to the proper officer of the Duchy of Lancaster; and in case of land in the counties of Cornwall or Devon, also to the proper officer of the Duke of Cornwall; and in all other cases also to the Commissioners of Her Majesty's Woods, Forests, and Land Revenues.

As to Proceedings on and before Registration.

Registration of lands of different tenures.

67. If it appears to the registrar that any land, application for registration whereof is made to him, comprises land of freehold tenure and also land of a tenure other than freehold intermixed and undistinguishable, he may, notwithstanding anything in this Act, register the land, but he shall enter notice on the register in such manner as he thinks fit of the facts relating to the tenure of the land, and the tenure of the portion of the land other than freehold shall remain unaffected by the registration.

Trustees may sell by medium of registry.

68. Any person holding land on trust for sale, and any trustee, mortgagee, or other person having a power of selling

PART IV. *Provisions supplemental to foregoing Parts of Act.*

land, may authorise the purchaser to make an application to be registered as first proprietor with any title which a proprietor is authorised to be registered with under this Act, and may consent to the performance of the contract being conditional on his being so registered, or may himself apply to be registered as such proprietor with the consent of the persons (if any) whose consent is required to the exercise by the applicant of his trust or power of sale; and the amount of all costs, charges, and expenses properly incurred by such person, in or about such application shall in all cases be ascertained and declared by the registrar, and shall be deemed to be costs, charges, and expenses properly incurred by such person in the execution of his trust or in pursuance of his power; and such person may retain or reimburse the same to himself out of any money coming to him under the trust or power, and he shall not be liable to any account in equity in respect thereof.

Registration of part owners.

69. Any two or more persons entitled for their own benefit concurrently or successively, or partly in one mode and partly in another, to such estates, rights, or interests in land as together make up such an estate as would, if vested in one person, entitle him to be registered as proprietor of the land, may (subject as in this Act mentioned with respect to the number of persons to be registered in respect of the same land), apply to the registrar to be registered as joint proprietors, in the same manner and with the same incidents, so far as circumstances admit, in and with which it is in this Act declared that any individual proprietor may be registered.

Instruments and facts affecting the title to be disclosed on registrations.

70. Before the completion of the registration of any land in respect of which an examination of title is required, the vendor and his solicitor, in cases where the applicant is a person who has contracted to buy such land, and in all other cases the applicant for registration and his solicitor, shall each, if required by the registrar, make an affidavit or declaration that to the best of his knowledge and belief all deeds, wills, and instruments of title, and all charges and incumbrances affecting the title to the land which is the subject of the application, and all facts material to such title, have been disclosed in the course of the investigation of title made by the registrar. The registrar may require any person making an affidavit or declaration in pursuance of this section to state in his affidavit or declaration what means he has had of becoming acquainted with the several matters referred to in this section; and if the registrar is of opinion that any further or other evidence is necessary or desirable, he may refuse to complete the registration until such further or other evidence is produced.

Production of deeds.

71. When an application has been made to the registrar for the registration of any land, if any person has in his possession or custody any deeds, instruments, or evidences of title relating to or affecting such land, to the production of which

the applicant, or any trustee for him is entitled, the registrar may require such person to show cause, within a time limited, why he should not produce such deeds, instruments, or evidences of title to the registrar, or otherwise, as the registrar may deem fit; and, unless cause is shown to the satisfaction of the registrar within the time limited, such deeds, instruments, and evidences of title may be ordered by the registrar to be produced at the expense of the applicant, at such time and place, and in such manner, and on such terms as the registrar thinks fit.

Any person aggrieved by any order of the registrar under this section may appeal in the prescribed manner to the court, which may annul or confirm the order of the registrar with or without modification.

If any person disobeys any order of the registrar made in pursuance of this section, the registrar may certify such disobedience to the court, and thereupon such person, subject to such right of appeal as aforesaid, may be punished by the court in the same manner in all respects as if the order made by the registrar were the order of the court.

Deeds to be marked with notice of registration.

72. A person shall not be registered as proprietor of land until, if required by the registrar, he has produced to him such documents of title as will in the opinion of the registrar, when stamped or otherwise marked, give notice to any purchaser or other person dealing with such land of the fact of the registration, and the registrar shall stamp or otherwise mark the same accordingly, or until he has otherwise satisfied the registrar that the fact of such registration cannot be concealed from a purchaser or other person dealing with the land.

Costs of application for registry.

73. All costs, charges, and expenses that are incurred by any parties in or about any proceedings for registration of land shall, unless the parties otherwise agree, be taxed by the taxing officer of the Court of Chancery as between solicitor and client, but the persons by whom and the proportions in which such costs, charges, and expenses are to be paid shall be in the discretion of the registrar, and shall be determined according to orders of the registrar, regard being had to the following provision; namely, that any applicant under this Act is liable primâ facie to pay all costs, charges, and expenses incurred by or in consequence of his application, except in a case where parties object whose rights are sufficiently secured without their appearance, or where any costs, charges, or expenses are incurred unnecessarily or improperly, and subject to this proviso, that any party aggrieved by any order of the registrar under this section may appeal in the prescribed manner to the court, which may annul or confirm the order of the registrar, with or without modification.

If any person disobeys any order of the registrar made in pursuance of this section, the registrar may certify such disobedience to the court, and thereupon such person, subject to

PART IV. *Provisions supplemental to foregoing Parts of Act.*

such right of appeal as aforesaid, may be punished by the court in the same manner in all respects as if the order made by the registrar were the order of the court.

Doubtful Questions arising on Title.

Registrar may state case for court of law or direct issue.

74. Whenever, upon the examination of the title to any land the registrar entertains a doubt as to any matter of law or fact arising upon such title, he may, upon the application of any party interested in such land, refer a case for the opinion of any of Her Majesty's superior courts, with power for the court to direct an issue to be tried before any jury for the purpose of determining any fact; the registrar may also name the parties to such case, and the manner in which the proceedings in relation thereto are to be brought before the court to which such case is referred.

Opinion of court or decision of jury, how far conclusive.

75. The opinion of any court to whom any case is referred by the registrar shall be conclusive on all the parties to such case, unless the court before whom such case is heard permits an appeal to be had.

Intervention of court in case of incapacitated persons.

76. Where any infants, married women, idiots, lunatics, persons of unsound mind, persons absent beyond seas, or persons yet unborn, are interested in the land in respect of the title to which any question arises as aforesaid, any other persons interested in such land may apply to "the court" as defined by this Act, for a direction that the opinion of the court to whom the case is referred under this Act shall be conclusively binding on such infants, married women, idiots, lunatics, persons of unsound mind, persons beyond the seas, or unborn persons.

Power of court to bind interests of incapacitated persons.

77. The court as defined by this Act shall hear the allegations of all parties appearing before it. It may disapprove altogether, or may approve, either with or without modification, of the directions of the registrar in respect to any case referred as to the title of land; it may also, if necessary, appoint a guardian or other person to appear on behalf of any infants, married women, idiots, lunatics, persons of unsound mind, persons absent beyond seas, or unborn persons; and if such court is satisfied that the interests of the persons labouring under disability, absent, or unborn, will be sufficiently represented in any case, it shall make an order declaring that all persons, with the exceptions (if any) named in the order, are to be conclusively bound, and thereupon all persons, with such exceptions (if any) as aforesaid, shall be conclusively bound by any decision of the court having cognizance of the case in which such persons are concerned.

As to Land Certificates, Office Copies of Leases, and Certificates of Charge.

Loss of land certificate, or

78. If any land certificate or office copy of a registered lease or certificate of charge is lost, mislaid, or destroyed, the regis-

trar may, upon being satisfied of the fact of such loss, mislaying, or destruction, grant a new land certificate or office copy or certificate of charge in the place of the former one.

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79. The registrar may, upon the delivery up to him of a land certificate or of an office copy of a registered lease or of a certificate of charge, grant a new land certificate or office copy of a lease or certificate of charge in the place of the one delivered up.

certificate of charge, or office copy of lease.

80. Any land certificate or certificate of charge shall be primâ facie evidence of the several matters therein contained, and the office copy of a registered lease shall be evidence of the contents of the registered lease.

Renewal of land certificate, or certificate of charge, or office copy of lease.

Land certificate, certificate of charge, and office copy of lease to be evidence.

81. Subject to any registered estates, charges, or rights, the deposit of the land certificate in the case of freehold land, and of the office copy of the registered lease in the case of leasehold land, shall, for the purpose of creating a lien on the land to which such certificate or lease relates, be deemed equivalent to a deposit of the title deeds of the land.

Effect of deposit of land certificate.

Special Hereditaments.

82. The registrar may register the proprietor of any advowson, rent, tithes impropriate, or other incorporeal hereditament of freehold tenure, enjoyed in gross, also the proprietor of any mines or minerals where the same have been severed from the land, in the same manner and with the same incidents in and with which he is by this Act empowered to register land, or as near thereto as circumstances admit.

Registry of advowsons and other special hereditaments.

The registrar may also in the prescribed manner register any fee farm grant, or other grant, reserving rents or services to which the fee simple estate in any freehold land about to be registered or registered may be subject, with such particulars of the land or services, and the conditions annexed to the nonpayment or non-performance or otherwise of such rent and services as may be prescribed, and any record so made shall be conclusive evidence as to the rents, services, and conditions so recorded, and such fee simple estate as last aforesaid shall be subject thereto accordingly.

General Provisions.

83. The following enactments shall be made with respect to registration of title:

Enactments as to registration.

(1.) There shall not be entered on the register or be receivable by the registrar, any notice of any trust, implied, express, or constructive; and

(2.) No person shall be registered as proprietor of any undivided share in any land or charge, and a number of persons exceeding the prescribed number shall not be registered as proprietors of the same land or charge; and if the number of persons showing title exceeds such prescribed number, such of them not

PART IV. *Provisions supplemental to foregoing Parts of Act.*

exceeding the prescribed number as may be agreed upon, or as the registrar may in case of difference decide, shall be registered as proprietors; and

(3.) Upon the occasion of the registry of two or more persons as proprietors of the same land or of the same charge, an entry may, with their consent, be made on the register, to the effect that when the number of such proprietors is reduced below a certain specified number, no registered disposition of such land or charge shall be made, except under the order of the court; and

(4.) Where land is registered in the names of husband and wife as co-proprietors, no registered disposition of such land shall take place until the wife, if alive, has been examined in the prescribed manner and has assented to such disposition after full explanation of her rights in the land and of the effect of the proposed disposition; and

(5.) Registered land shall be described in such manner as the registrar thinks best calculated to secure accuracy, but such description shall not be conclusive as to the boundaries or extent of the registered land; and

(6.) No alteration shall be made in the registered description of land, except under the order of the court or by way of explanation; but this provision shall not be construed to extend to registered dealings with registered land in separate parcels by the registered description although such land was originally registered as one estate; and

(7.) Previously to registering any proposed purchaser as first proprietor of any land or to registering any disposition of land, it shall be the duty of the registrar to ascertain that all such stamp duties have been satisfied as would be payable if the land had been conveyed by an unregistered disposition to such proposed purchaser, or the disposition to be registered had been an unregistered disposition:

(8.) The provisions of this Act with respect to the liability of registered land to succession duty and to the grant of a certificate by the Commissioners of Inland Revenue in respect of the exemption from succession duty, and to the notification of such exemption on the register, and to the effect of such notification, shall apply with the necessary variations to a registered charge under this Act.

Annexation of conditions to registered land.

84. Where any land is about to be registered, or any registered land is about to be transferred to a purchaser for valuable consideration, there may be registered as annexed thereto, subject to general rules and in the prescribed manner,

a condition that such land or any specified portion thereof is not to be built on, or is to be or not to be used in a particular manner, or any other condition running with or capable of being legally annexed to land, and the first proprietor and every transferee, and every other person deriving title from him, shall be deemed to be affected with notice of such condition; nevertheless, any such condition may be modified or discharged by order of the court, on proof to the satisfaction of the court that such modification will be beneficial to the persons principally interested in the enforcement of such condition.

PART IV. *Provisions supplemental to foregoing Parts of Act.*

85. All the provisions of the Trustee Act, 1850, and of any Act amending the same, shall apply to land and charges registered under this Act, but this enactment shall not prejudice the applicability to such land and charges of any provisions of such Acts relating to land or choses in action.

Registered lands to be within the Trustee Act, 1850.

86. The registrar shall not, nor shall the assistant registrar nor any person acting under his authority, or under any order or general rule made in pursuance of this Act, be liable to any action, suit, or proceeding for or in respect of any act or matter bonâ fide done or omitted to be done in the exercise or supposed exercise of the powers of this Act, or any order or general rule made in pursuance of this Act.

Indemnity of registrar.

As to Married Women.

87. Where a married woman, entitled for her separate use, and not restrained from anticipation, is desirous of giving any consent, or becoming party to any proceeding under this Act, she shall be deemed to be an unmarried woman, but when any other married woman is desirous of giving any consent, or becoming party to any proceeding under this Act she shall be examined in the prescribed manner, and it shall be ascertained that she is acting freely and voluntarily, and the court may, where it sees fit, appoint a person to act as the next friend of a married woman for the purpose of any proceeding under this Act, and may from time to time remove or change such next friend.

Provision as to married women.

As to Infants and Lunatics.

88. Where any person who (if not under disability) might have made any application, given any consent, done any act, or been party to any proceeding in relation to any land or charge under this Act, is an infant, idiot, or lunatic, the guardian or committee of the estate respectively of such person may make such applications, give such consents, do such acts, and be party to such proceedings, as such person respectively, if free from disability, might have made, given, done, or been party to, and shall otherwise represent such person for the purposes of this Act; where there is no guardian or committee of the estate of any such person as aforesaid, being infant, idiot, or lunatic, or where any person is of unsound mind or incapable

Provision as to other persons under disability.

PART IV. *Provisions supplemental to foregoing Parts of Act.*

of managing his affairs, but has not been found lunatic under an inquisition, it shall be lawful for the court to appoint a guardian of such person for the purpose of any proceedings under this Act, and from time to time to change such guardian.

As to Notices.

Address of persons on register.

89. Every person whose name is entered on the register as proprietor of land or of a charge, or as cautioner, or as entitled to receive any notice, or in any other character, shall furnish to the registrar a place of address in the United Kingdom.

Service of notices.

90. Every notice by this Act required to be given to any person shall be served personally, or sent through the post in a registered letter marked outside "Office of Land Registry," and directed to such person at the address furnished to the registrar, and unless returned, shall be deemed to have been received by the person addressed within such period, not less than seven days, exclusive of the day of posting, as may be prescribed.

Return of notices by post office.

91. Her Majesty's Postmaster General shall give directions for the immediate return to the registrar of all letters marked as aforesaid, and addressed to any person who cannot be found, and on the return of any letter containing any notice, the registrar shall act in the matter requiring such notice to be given in manner prescribed.

Purchasers not affected by omission to send notices.

92. A purchaser for valuable consideration shall not be affected by the omission to send any notice by this Act directed to be given, or by the non-receipt thereof.

Specific Performance.

Power of court in suit for specific performance.

93. Where a suit is instituted for the specific performance of a contract relating to registered land, or a registered charge, the court having cognizance of such suit may by summons, or by such other mode as it deems expedient, cause all or any parties who have registered estates or rights in such land or charge, or have entered up notices, cautions, or inhibitions against the same, to appear in such suit, and show cause why such contract should not be specifically performed, and the court may direct that any order made by the court in such suit shall be binding on such parties or any of them.

Costs in suit for specific performance.

94. All costs incurred by any parties so appearing in a suit to enforce against a vendor specific performance of his contract to sell registered land or a registered charge shall be taxed as between solicitor and client, and unless the court otherwise orders, be paid by such vendor.

Rectification of the Register.

Establishment of adverse title to land.

95. Subject to any estates or rights acquired by registration in pursuance of this Act, where any court of competent jurisdiction has decided that any person is entitled to any estate, right, or interest in or to any registered land or charge, and as

a consequence of such decision such court is of opinion that a rectification of the register is required, such court may make an order directing the register to be rectified in such manner as it thinks just.

PART IV. *Provisions supplemental to foregoing Parts of Act.*

96. Subject to any estates or rights acquired by registration in pursuance of this Act, if any person is aggrieved by any entry made or by the omission of any entry from the register under this Act, or if default is made, or unnecessary delay takes place in making any entry in the register, any person aggrieved by such entry, omission, default, or delay may apply to the court in the prescribed manner for an order that the register may be rectified, and the court may either refuse such application with or without costs, to be paid by the applicant, or it may, if satisfied of the justice of the case, make an order for the rectification of the register.

Register to be rectified under order of court.

97. The registrar shall obey the order of any competent court in relation to any registered land on being served with such order or an official copy thereof.

Registrar to obey orders of court.

As to Fraud.

98. Subject to the provisions in this Act contained with respect to registered dispositions for valuable consideration, any disposition of land or of a charge on land which if unregistered would be fraudulent and void, shall, notwithstanding registration, be fraudulent and void in like manner.

Fraudulent dispositions.

99. If in the course of any proceedings before the registrar or the court in pursuance of this Act any person concerned in such proceedings as principal or agent, with intent to conceal the title or claim of any person, or to substantiate a false claim, suppresses, attempts to suppress, or is privy to the suppression of any document or of any fact, the person so suppressing, attempting to suppress, or privy to suppression, shall be guilty of a misdemeanor, and upon conviction on indictment shall be liable to be imprisoned for a term not exceeding two years, with or without hard labour, or to be fined such sum not exceeding five hundred pounds as the court before which he is tried may award.

Suppression of deeds and evidence.

100. If any person fraudulently procures, attempts to fraudulently procure, or is privy to the fraudulent procurement of any entry on the register, or of any erasure from the register or alteration of the register, such person shall be guilty of a misdemeanor, and upon conviction on indictment be liable to imprisonment for any term not exceeding two years, with or without hard labour, or to be fined such sum not exceeding five hundred pounds as the court before which he is tried may award; and any entry, erasure, or alteration so made by fraud, shall be void as between all parties or privies to such fraud.

Certain fraudulent acts declared to be misdemeanors.

PART IV. *Provisions supplemental to foregoing Parts of Act.*

False declarations.

101. If any person in any affidavit or declaration required or authorised to be made for any purpose under this Act, or any order or general rules made in pursuance thereof, wilfully makes a false statement in any material particular, he shall be guilty of a misdemeanor, and upon conviction on indictment shall be liable to imprisonment, with or without hard labour, for any term not exceeding two years, or to be fined such sum not exceeding five hundred pounds as the court before which he is tried may award.

Saving of civil remedy.

102. No proceeding or conviction for any act declared by this Act to be a misdemeanor shall affect any remedy which any person aggrieved by such act may be entitled to, either at law or in equity.

Saving of obligation to make discovery.

103. Nothing in this Act contained shall entitle any person to refuse to make a complete discovery by answer in any legal proceeding, or to answer any question or interrogatory in any civil proceeding, in any court of law or equity, or in the courts of bankruptcy; but no answer to any such bill, question, or interrogatory shall be admissible in evidence against such person in any criminal proceeding under this Act.

Inspection of Register.

Inspection of documents.

104. Subject to such regulations and exceptions and to the payment of such sums as may be fixed by general rules, any person registered as proprietor of any land or charge, and any person authorised by any such proprietor, or by an order of the court, or by general rule, but no other person, may inspect and make copies of and extracts from any register or document in the custody of the registrar relating to such land or charge.

Saving Clause.

Saving clause as to escheat.

105. Nothing in this Act contained shall affect any right of Her Majesty to any escheat or forfeiture.

PART V. *Administration of Law and Miscellaneous.*

PART V.

ADMINISTRATION OF LAW AND MISCELLANEOUS.

(1.) *Office of Land Registry.*

Office of land registry, and appointment and payment of officers.

106. There shall be an office in London to be called the Office of Land Registry, the business of which shall be conducted by a registrar to be appointed by the Lord Chancellor, with such number of officers (namely, assistant registrars, clerks, messengers, and servants,) as the Lord Chancellor, with the concurrence of the Commissioners of Her Majesty's Treasury as to number, may from time to time appoint.

A person shall not be qualified to be appointed registrar unless he is a barrister of not less than ten years standing, and

a person shall not be qualified to be appointed an assistant registrar unless he is either a barrister or solicitor or certificated conveyancer of not less than five years standing.

The registrar, assistant registrars, clerks, messengers, and servants shall receive such salaries or remuneration as the Commissioners of Her Majesty's Treasury may from time to time direct.

The salaries of the registrar, assistant registrar, clerks, messengers, and servants, and such incidental expenses of carrying this Act into effect as may be sanctioned by the Commissioners of Her Majesty's Treasury, shall be paid out of moneys provided by Parliament.

The Lord Chancellor may from time to time make regulations for the office of land registry, and for assigning the duties to the respective officers, and determining the acts of the registrar which may be done by the assistant registrar, and may from time to time revoke and alter any such regulations, and make new regulations. All such regulations for the time being in force shall have effect as if they were enacted in this Act.

Seal of office of land registry.

107. There shall be a seal for the office of land registry.

Registrar to frame and promulgate forms.

108. Subject to the provisions of this Act, the registrar shall conduct the whole business of registering land under this Act; he shall frame and cause to be printed and circulated or otherwise promulgated such forms and directions as he may deem requisite or expedient for facilitating proceedings under this Act.

Power of registrar to summon witnesses.

109. The registrar or any officer of the registry office authorised by him in writing may administer an oath or take a voluntary declaration in pursuance of the Acts in that behalf for any of the purposes of this Act, and the registrar may, by summons under the seal of the office, require the attendance of all such persons as he may think fit in relation to the registration of any title; he may also, by a like summons, require any person having the custody of any map, survey, or book made or kept in pursuance of any Act of Parliament to produce such map, survey, or book for his inspection; he may examine upon oath any person appearing before him and administer an oath accordingly; and he may allow to every person summoned by him the reasonable charges of his attendance.

Any charges allowed by the registrar in pursuance of this section shall be deemed to be charges incurred in or about proceedings for registration of land, and may be dealt with accordingly.

Non-attendance or refusal to answer questions.

110. If any person, after the delivery to him of such summons as aforesaid, or of a copy thereof, wilfully neglects or refuses to attend in pursuance of such summons, or to produce such maps, surveys, books, or other documents as he

PART V. *Administration of Law and Miscellaneous.*

may be required to produce under the provisions of this Act, or to answer upon oath or otherwise such questions as may be lawfully put to him by the registrar under the powers of this Act, he shall incur a penalty not exceeding twenty pounds, to be recovered on summary conviction; provided that no person shall be required to attend in obedience to any summons or to produce such documents as aforesaid unless the reasonable charges of his attendance and of the production of such documents be paid or tendered to him.

Power of Lord Chancellor to make general rules.

111. Subject to the provisions of this Act, the Lord Chancellor may, with the advice and assistance of the registrar, from time to time make, and when made may rescind, annul, or add to, general rules in respect of all or any of the following matters, that is to say,

(1.) The mode in which the register is to be made and kept; and

(2.) The forms to be observed, the precautions to be taken, the instruments to be used, the notices to be given, and the evidence to be adduced in all proceedings before the registrar or in connexion with registration, and in particular with respect to the reference to a conveyancing counsel of the Court of Chancery of any title to land proposed to be registered with an absolute title; and

(3.) The custody of any instruments from time to time coming into the hands of the registrar, with power to direct the destruction of any such instruments where they have become altogether superseded by entries in the register, or have ceased to have any effect:

(4.) The costs to be charged by solicitors or certificated conveyancers in or incidental to or consequential on the registration of land, or any other matter required to be done for the purpose of carrying this Act into execution, with power to require such costs to be payable by commission, per-centage, or otherwise, and to bear a certain proportion to the value of the land registered, or to be determined on such other principle as may be thought expedient; and

(5.) The taxation of such costs and the persons by whom such costs are to be paid; and

(6.) Any matter by this Act directed or authorised to be prescribed; and

(7.) Any other matter or thing, whether similar or not to those above mentioned, in respect of which it may be expedient to make rules for the purpose of carrying this Act into execution:

Any rules made in pursuance of this section shall be deemed to be within the powers conferred by this Act, and shall be of

the same force as if enacted in this Act, and shall be judicially noticed.

Any rules made in pursuance of this section shall be laid before both Houses of Parliament within three weeks after they are made, if Parliament be then sitting, and if Parliament be not then sitting, within three weeks after the beginning of the then next session of Parliament.

Principles on which fees determined.

112. The Lord Chancellor may from time to time, with the concurrence of the Commissioners of the Treasury, make, and when made revoke, alter, or add to rules with respect to the amount of fees payable under this Act, regard being had to the following matters:

(1.) In the case of the registration of land or of any transfer of land on the occasion of a sale,—to the value of the land as determined by the amount of purchase money; and

(2.) In the case of the registration of land, or of any transfer of land not upon a sale,—to the value of the land, to be ascertained in such manner as may be prescribed; and

(3.) In the case of registration of a charge or of any transfer of a charge,—to the amount of such charge.

Mode of taking fees.

113. The following rules shall be observed with respect to the fees payable in pursuance of this Act:

(1.) The fees shall, except so far as the Lord Chancellor, with the concurrence of the Commissioners of Her Majesty's Treasury, may from time to time otherwise direct, be taken by stamps; and if not taken by stamps, shall be taken, applied, accounted for, and paid over in such manner as may be directed by the Commissioners of Her Majesty's Treasury with the concurrence of the Lord Chancellor; and

(2.) Such stamps shall be impressed or adhesive, as the Commissioners of Her Majesty's Treasury from time to time direct; and

(3.) The Commissioners of Her Majesty's Treasury, with the concurrence of the Lord Chancellor, may from time to time make such rules as may seem fit for regulating the use of such stamps, and for insuring the proper cancellation of stamps, and for keeping accounts of such stamps; and

(4.) The Commissioners of Inland Revenue shall keep a separate account of all money received in respect of stamps under this Act, and subject to the deduction of any expenses incurred by those Commissioners in the execution of this Act, the money so received shall, under the direction of the Commissioners of Her Majesty's Treasury, be carried to and form part of the Consolidated Fund:

PART V. *Administration of Law and Miscellaneous*

(5.) Any person who forges or counterfeits any such stamp, or uses any such stamp, knowing the same to be forged or counterfeit, or to have been previously cancelled or used, shall be guilty of forgery, and be liable on conviction to penal servitude for a term not exceeding seven years, or to imprisonment, with or without hard labour, for a term not exceeding two years.

Description and Powers of the Court.

"The court" to mean, according to circumstances, Court of Chancery and county court.

114. For the purposes of this Act, "the court" shall mean the Court of Chancery or the county court, according as the one or other of such courts may be prescribed by the general rules made for carrying into effect this Act.

The county court shall, in cases where it has jurisdiction under this Act, have, for all the purposes of such jurisdiction, all the powers of the Court of Chancery.

Any jurisdiction of the Court of Chancery or County Court under this Act may be exercised by any judge of the said court, whether sitting in open court or in chambers.

Lord Chancellor may assign duties as to registry to particular judges.

115. The Lord Chancellor may from time to time assign the duties vested in the Court of Chancery in relation to matters under this Act to any particular judge or judges of that court.

Appeal from county court.

116. Any person aggrieved by any order of a judge of a county court may, within the prescribed time and in the prescribed manner, appeal to the Court of Chancery.

The court on hearing such appeal may give judgment affirming, reversing, or modifying the order appealed from, and may finally decide thereon, and make such order as to costs in the court below and of the appeal as may be agreeable to justice; and if the court alter or modify the order, such order so altered or modified shall be of the like effect as if it were the order of the county court. The Court of Chancery may also, in cases where the court thinks it expedient so to do, instead of making a final order, remit the case, with such directions as the court may think fit, to the court below.

Appeal from Court of Chancery.

117. Any person aggrieved by an order made under this Act by the Court of Chancery otherwise than on appeal from a county court, may appeal within the prescribed time, in the same manner and with the same incidents in and with which orders made by the Court of Chancery on cases within the ordinary jurisdiction of such court may be appealed from.

As to District Registries.

Power to form district regis-

118. The Lord Chancellor, with the concurrence of the Commissioners of Her Majesty's Treasury, shall have power

by general orders from time to time to do all or any of the following things:

tries by general orders.

(1.) To create district registries for the purposes of registration of land within the defined districts respectively, and to alter any districts which shall have been so created; and

(2.) To direct, by notice to be published in the "London Gazette," when (upon or after the commencement of this Act) registration of land is to commence in any district, and the place at which lands are to be registered; and

(3.) To commence registration of land in any one or more district or districts, pursuant to any such notice; and

(4.) To appoint district registrars, assistant district registrars, clerks, messengers, and servants to perform the business of registration in any district which may from time to time be created a district for registration under this Act.

The Lord Chancellor may, with the like concurrence, from time to time make, rescind, alter, or add to any order made in pursuance of this section.

Qualification of the district and assistant district registrar.

119. A person shall not be qualified to be appointed district registrar under this Act unless he is a barrister or solicitor or certificated conveyancer of not less than ten years standing, and a person shall not be qualified to be appointed an assistant district registrar under this Act unless he is either a barrister or solicitor or certificated conveyancer of not less than five years standing. A district registrar or assistant district registrar may, with the assent of the Lord Chancellor, follow another calling.

Seal for district registry.

120. A seal shall be prepared for each district registry office, and any instrument purporting to be sealed with such seal shall be admissible in evidence, and if a copy, the same shall be admissible in like manner as the original.

Powers of district registrar, and appeals from him.

121. Subject to general rules each district registrar and assistant district registrar shall, as regards the land within his jurisdiction, have the same powers and indemnity as are herein given to the registrar and assistant registrar in the office of land registry, and there shall be the same appeal as in the case of the registrar; and any orders made by a district registrar or assistant district registrar may in like manner be made orders of and be enforced by the court: Provided always, that the Lord Chancellor may, by general rules, make provision for the duties of district registrar, as regards all or any of the proceedings preliminary to first registration, or as regards any matters which the district registrar has to determine, or any other matters, being performed by the registrar or assistant registrar in the office of land registry, and for any

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district registrar, in any cases obtaining directions from or acting with the sanction of such registrar or assistant registrar; and any such orders may from time to time be rescinded, altered, or annulled by the Lord Chancellor, and all orders made in pursuance of this section shall be of the same force as if inserted in this Act, and shall be judicially noticed.

Application of general orders, &c. to districts

122. The general orders, rules, forms, directions, and fees for the time being applying to and payable in the office of land registry shall also apply to and be payable in all the district registries, subject to any alteration or addition for the time being made for any district by the Lord Chancellor, with the concurrence of the Commissioners of Her Majesty's Treasury as to fees.

(2.) *Temporary Provisions.*

Transfer of existing staff to new registry office.

123. The registrar, assistant registrar, examiners of title, clerks, messengers, and servants at the time of the commencement of this Act attached to the office of land registry, shall from and after the commencement of this Act be attached to the office of land registry as constituted by this Act.

The registrar and other officers and persons so attached shall have the same relative rank, such rank being in the case of the assistant registrar above the rank of any other assistant registrar or any district registrar who may be appointed in pursuance of this Act, and hold their offices by the same tenure and upon the same terms and conditions, and receive the same salaries, and, if entitled to pensions or superannuation allowances, be entitled to the same pensions or superannuation allowances, as if this Act had not passed; and their service under this Act shall, as regards their claim to pension or superannuation allowance, be deemed a continuance of their former service, but in the event of any such officer being appointed to a new office in pursuance of this Act, service under the Land Registry Act, 1862, shall be deemed to be service under this Act for the purposes of entitling such last-mentioned officer to salary, superannuation, compensation, gratuity, or other allowances under the Superannuation Acts. The messengers and servants of the office of land registry shall, during the tenure of office by the existing registrar, be appointed and removed by him.

The Lord Chancellor may, by rules, distribute the business to be performed in the office of land registry as constituted under this Act amongst the several officers attached thereto by this section, in such manner as he may think just; and such officers shall perform such duties in relation to such business as may be directed by such rules, with this qualification, that the duties required to be performed by any officer shall be the same as or duties analogous to those which he performed previously to the passing of this Act.

The officers so attached as aforesaid, and their successors

in office, shall for all the purposes of the Land Registry Act, 1862, so far as it will remain in operation after the passing of this Act, and for all the purposes of the Improvement of Land Act, 1864, and of the Mortgage Debenture Act, 1865, be deemed to be officers acting under the Land Registry Act, 1862, and having to discharge the duties belonging to officers acting under such Act.

Transfer of books and papers.

124. All books, documents, and papers in the possession of the office of land registry as constituted before the passing of this Act, or of any person attached to or performing any ministerial duty in aid of such office, shall be dealt with in such manner as the Lord Chancellor may by order direct, and any person failing to comply with any order of the Lord Chancellor made for the purpose of giving effect to this section, shall be punished in the same manner as if he had been guilty of a contempt of the Court of Chancery.

Registration under Act of 1862 to cease, &c.

125. From and after the commencement of this Act, application for the registration of an estate under the Land Registry Act of 1862 shall not be entertained.

Possible re-registry of estates already registered under the Act of 1862.

126. From and after the commencement of this Act, the Lord Chancellor may, by order, provide for the registration under this Act, without cost to the parties interested, of all titles registered under the Land Registry Act, 1862, and care shall be taken in such order to protect any rights acquired in pursuance of registry under such last-mentioned Act, and any order so made by the Lord Chancellor shall have the same effect as if it were enacted in this Act; nevertheless it shall not be obligatory on any person interested in an estate registered under the said Land Registry Act, 1862, to cause such estate to be registered under this Act, and until such estate is registered under this Act, the Act of 1862 shall apply thereto in the same manner as if this Act had not passed.

Local Registries.

Land registered under Act to be exempted from registry of deeds.

127. Any land situate within the jurisdiction of any of the following local registries; that is to say,

(1.) The registry for the county of Middlesex; or
(2.) The registry for the West Riding of Yorkshire; or
(3.) The registry for the North Riding of Yorkshire; or
(4.) The registry for the East Riding of Yorkshire and the town and county of the town of Kingston-upon-Hull;

shall, if registered under this Act, from and after the date of the registration thereof, be exempt from such jurisdiction; and no document relating to any such registered land executed and no testamentary instrument relating to any such registered land coming into operation subsequently to such date as last aforesaid shall be required to be registered in any of the said local registries.

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Compensation to officers of local registries of deeds.

128. If any person who is at the commencement of this Act a registrar of or an officer in any of the said local registries, suffers any loss of fees or emoluments by reason of the business in such registry being diminished in consequence of this Act, he may petition the Commissioners of Her Majesty's Treasury for compensation, and the Commissioners of Her Majesty's Treasury shall inquire whether any, and if any, what compensation ought to be made to the petitioner, regard being had to the conditions on which his appointment was made, the nature of his office, the duration of his service, the character of his fees or emoluments, and all the circumstances of the case. The petitioner shall render to the Commissioners of Her Majesty's Treasury such account of the fees and emoluments received by him during any period not exceeding five years before the passing of this Act, and during such period before the date of his petition, and give such information as the Commissioners of Her Majesty's Treasury may require for the purpose of enabling them to ascertain whether the petitioner has suffered the loss alleged by him, and whether any, and if any, what compensation ought to be made to him.

If the Commissioners of Her Majesty's Treasury think that the claim of the petitioner to compensation is established, they may award to him, out of moneys to be provided by Parliament, such compensation, by annuity or otherwise, as under the circumstances of the case they think just and reasonable.

Repeal.

Repeal of 37 & 38 Vict. c. 78. s. 7.

129. The seventh section of the Vendor and Purchaser Act, 1874, is hereby repealed, as from the date at which it came into operation, except as to anything duly done thereunder before the commencement of this Act.

CHAPTER 88.

An Act to make provision for giving further powers to the Board of Trade for stopping unseaworthy Ships. [13th August 1875.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Appointment and powers of officers having authority to detain unseaworthy ships.

1. The Board of Trade may forthwith and from time to time by special order appoint a sufficient number of fit and proper persons, from their own staff or otherwise, to be officers having authority to detain unseaworthy ships, and may from time to time revoke any such appointment.

If any officer so appointed has reason to believe upon inspection or otherwise that any British ship is by reason of the defective condition of her hull, equipments, or machinery,

or by reason of overloading or improper loading, unfit to proceed to sea without serious danger to human life, he may order that the ship be detained for the purpose of being surveyed.

Any such order shall have the same effect as if it were an order of the Board of Trade under section twelve of the Merchant Shipping Act, 1873.

For the purpose of ascertaining whether a British ship is fit to proceed to sea, any officer so appointed may go on board the ship and inspect the same, or any part thereof, or any of the machinery, boats, equipments, or other articles on board thereof, not unnecessarily detaining or delaying her from proceeding on her voyage; and any person who wilfully impedes him in the execution of his duty shall be liable to the same penalties, and may be dealt with in the same manner as if the officer were an inspector appointed by the Board of Trade under the Merchant Shipping Act, 1854.

When any officer so appointed orders a ship to be detained, he shall forthwith report his proceedings to the Board of Trade.

An officer so appointed shall receive such remuneration for his services under this Act as the Treasury from time to time direct, and such remuneration shall be paid out of moneys to be provided by Parliament.

Ship to be detained on complaint of crew.

2. Whenever a complaint is made to the Board of Trade or to any officer so appointed by one fourth of the seamen belonging to any British ship, that the ship is by reason of the defective condition of her hull, equipments, or machinery, or by reason of overloading or improper loading, unfit to proceed to sea without serious danger to human life, it shall be the duty of the Board or officer, as the case may be, if the complaint is made within time sufficient for that purpose before the sailing of the ship, without requiring any security for the payment of costs and expenses, to take proper steps for ascertaining whether the ship ought to be detained for the purpose of being surveyed under the Merchant Shipping Act, 1873.

Cargo of grain, &c.

3. From and after the first day of October one thousand eight hundred and seventy-five, no cargo of which more than one third consists of any kind of grain, corn, rice, paddy, pulse, seeds, nuts, or nut kernels, shall be carried on board any British ship, unless such grain, corn, rice, paddy, pulse, seeds, nuts, or nut kernels be contained in bags, sacks, or barrels, or secured from shifting by boards, bulkheads, or otherwise. This section shall not apply to any grain shipped previous to the first October one thousand eight hundred and seventy-five.

The master of any British ship who shall knowingly allow any cargo or part of a cargo to be shipped therein for carriage contrary to the provisions of this section shall for every such offence incur a penalty not exceeding two hundred pounds.

Penalties on sending unseaworthy ships to sea.

4. Section eleven of "The Merchant Shipping Act, 1871," shall be repealed, and in lieu thereof it shall be enacted :—

1. Every person who sends a ship to sea in such unseaworthy state that the life of any person would be likely to be thereby endangered, and the managing owner of any British ship so sent to sea from any port in the United Kingdom, shall be guilty of a misdemeanor, unless he prove that he used all reasonable means to ensure her being sent to sea in a seaworthy state, or prove that her going to sea in such unseaworthy state was, under the circumstances, reasonable and justifiable; and, for the purpose of giving such proof, such person may give evidence in the same manner as any other witness:

2. Every person who attempts or is party to any attempt to send to sea any ship in such unseaworthy state that the life of any person would be likely to be thereby endangered, shall be guilty of a misdemeanor, unless he give such proof as aforesaid, and for the purpose of giving such proof such person may give evidence as aforesaid:

3. Every master of a British ship who knowingly takes the same to sea in such unseaworthy state that the life of any person would be likely to be thereby endangered shall be guilty of a misdemeanor, unless he prove that her going to sea in such unseaworthy state was, under the circumstances, reasonable and justifiable, and for the purpose of giving such proof such person may give evidence as aforesaid:

4. The owner of every British ship shall from time to time register at the custom house of the port in the United Kingdom at which such ship is registered the name of the managing owner of such ship, and if there be no managing owner, then of the person to whom the management of the ship is entrusted by and on behalf of the owner; and in case the owner fail or neglect to register the name of such managing owner or manager as aforesaid he shall be liable, or if there be more owners than one, each owner shall be liable in proportion to his interest in the ship, to a penalty not exceeding in the whole five hundred pounds each time that the said ship leaves any port in the United Kingdom, after the first day of November one thousand eight hundred and seventy-five, without the name being duly registered as aforesaid:

5. The term "managing owner" in sub-section one shall include every person so registered as managing owner or as having the management of the ship for and on behalf of the owner:

6. No prosecution under this section shall be instituted except by or with the consent of the Board of Trade:

7. No misdemeanor under this section shall be punishable upon summary conviction.

Provided that the repeal enacted by this section shall not affect any punishment incurred or to be incurred in respect of any offence against the enactment hereby repealed, or any legal proceeding in respect of any such punishment, and any such legal proceeding may be carried on as if this Act had not passed.

Marking of deck lines.

5. Every British ship registered on or after the first day of November one thousand eight hundred and seventy-five shall before registry, and every British ship registered before that day shall, on or before that day, be permanently and conspicuously marked with lines of not less than twelve inches in length and one inch in breadth, painted longitudinally on each side amidships, or as near thereto as is practicable, and indicating the position of each deck which is above water.

The upper edge of each of these lines shall be level with the upper side of the deck plank next the waterway at the place of marking.

The lines shall be white or yellow on a dark ground, or black on a light ground.

Provided that—

(1.) This section shall not apply to ships employed in the coasting trade or in fishing, nor to pleasure yachts; and

(2.) If a registered British ship is not within a British port of registry at any time before the first day of November one thousand eight hundred and seventy-five, she shall be marked as by this section required within one month after her next return to a British port of registry subsequent to that date.

Statement of load-line.

6. With respect to the marking of a load-line on British ships, the following provisions shall have effect:

(1.) From and after the first day of November one thousand eight hundred and seventy-five the owner of every British ship shall, before entering his ship outwards from any port in the United Kingdom upon any voyage for which he is required so to enter her, or if that is not practicable, as soon after as may be, mark upon each of her sides amidships, or as near thereto as is practicable, in white or yellow on a dark ground, or in black on a light ground, a circular disc, twelve inches in diameter, with a horizontal line eighteen inches in length, drawn through its centre:

(2.) The centre of this disc shall indicate the maximum load-line in salt water to which the owner intends to load the ship for that voyage:

(3.) He shall also, upon so entering her, insert in the form of entry delivered to the collector or other principal

officer of customs, a statement in writing of the distance in feet and inches between the centre of this disc and the upper edge of each of the lines indicating the position of the ship's decks which is above that centre:

(4.) If default is made in delivering this statement in the case of any ship, any officer of customs may refuse to enter the ship outwards:

(5.) The master of the ship shall enter a copy of this statement in the agreement with the crew before it is signed by any member of the crew, and no superintendent of any mercantile marine office shall proceed with the engagement of the crew until this entry is made:

(6.) The master of the ship shall also enter a copy of this statement in the official log book:

(7.) When a ship has been marked as by this section required, she shall be kept so marked until her next return to a port of discharge in the United Kingdom.

Penalty for offences in relation to marks on ships.

7. Any owner or master of a British ship who neglects to cause his ship to be marked as by this Act required, or to keep her so marked, and any person who conceals, removes, alters, defaces, or obliterates, or suffers any person under his control to conceal, remove, alter, deface, or obliterate any of the said marks, except in the event of the particulars thereby denoted being lawfully altered, or except for the purpose of escaping capture by an enemy, shall for each offence incur a penalty not exceeding one hundred pounds.

If any of the marks required by this Act is in any respect inaccurate, so as to be likely to mislead, the owner of the ship shall incur a penalty not exceeding one hundred pounds.

Proceedings may be taken against the Board of Trade by action against the principal secretary.

8. Where a claim of compensation under the Merchant Shipping Act, 1873, is made against the Board of Trade, and liability to pay compensation, or the amount thereof is in dispute, proceedings may be taken against the Board of Trade by action against the principal secretary thereof as nominal defendant.

Liability of shipowner to crew.

9. In every contract of service, express or implied, between the owner of a ship and the master or any seaman thereof, and in every instrument of apprenticeship whereby any person is bound to serve as an apprentice on board any ship, there shall be implied, notwithstanding any agreement to the contrary, an obligation on the part of the owner of the ship to the master, seaman, or apprentice, that the owner of the ship, his agents and servants, shall use all reasonable efforts to insure the seaworthiness of the ship for the voyage at the commencement thereof, and to keep her in a seaworthy condition during the voyage.

Provided that nothing in this section shall make the owner of a ship liable for the death of or any injury to a master, seaman, or apprentice belonging to any ship when caused by the wrongful act, neglect, or default of a seaman or apprentice belonging to the same ship, in any case where he would not otherwise be so liable.

10. This Act may be cited as the Merchant Shipping Act, 1875, and shall be construed as one with the Merchant Shipping Act, 1854, and the Acts amending the same, and the said Acts and this Act may be cited collectively as the Merchant Shipping Acts, 1854 to 1875. Short title.

11. This Act shall continue in force until the first day of October one thousand eight hundred and seventy-six. Duration of Act.

CHAPTER 89.

An Act to consolidate with Amendments the Acts relating to Loans for Public Works.

[13th August 1875.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

1. This Act may be cited as the "Public Works Loans Act, 1875." Short title.

2. This Act shall, save as otherwise provided in this Act, come into operation on the first day of April one thousand eight hundred and seventy-six, which date is herein-after referred to as the commencement of this Act. Commencement of Act.

3. This Act shall extend to the Isle of Man. Extent of Act.

Public Works Loan Commissioners.

4. For the purpose of loans out of moneys issued in pursuance of this Act, and for the purpose of the execution of this Act and of any enactment passed or hereafter to be passed authorising or referring to such loans, there shall be a body of Commissioners (in this Act referred to as the Loan Commissioners), who may be styled the Public Works Loan Commissioners. Constitution, &c. of Public Works Loan Commissioners.

Every person who may from time to time be appointed by Act of Parliament a Public Works Loan Commissioner shall, on signing the declaration in the second schedule to this Act, be deemed to be one of the Public Works Loan Commissioners under this Act.

The Public Works Loan Commissioners shall hold office during such period as may be authorised by any Act appointing them, and if no period is so authorised, during the period of five years after the passing of such Act, and, if at the expiration of such period successors have not been appointed, may continue to hold office until successors be appointed, subject to this qualification, that they shall not grant any new loan after the expiration of such period.

Whenever any vacancy among the Commissioners occurs by any Commissioner dying or declining to act, or declining further to act, the remaining Commissioners or a majority of them may by writing under their hands and seals, with the concurrence of the Treasury, appoint such person to fill the vacancy as seems fit, and the person so appointed shall, on signing the declaration in the second schedule to this Act, be deemed to be one of the Public Works Loan Commissioners under this Act, and shall hold office for the period during which the Commissioner in whose place he is appointed would have held office.

A Public Works Loan Commissioner shall not receive any salary, fee, or emolument in respect of his services as such Commissioner.

Powers, &c. of Commissioners.

5. With respect to the Loan Commissioners the following provisions shall have effect:

(1.) The Loan Commissioners may sue and be sued in the name of their secretary for the time being; and no action or suit in law or equity brought or commenced by or against the said Commissioners in the name of their secretary for the time being shall abate or be discontinued by the death or removal of such secretary, or by the act of such secretary without the consent of the said Commissioners; but the secretary to the said Commissioners for the time being shall always be deemed the plaintiff or defendant in such action or suit as the case may be; and

(2.) The Commissioners may examine any persons willing to be examined on any matters connected with the execution of this Act, and may for that purpose, or otherwise for the purpose of the execution of this Act, administer an oath, and take any affidavits or declaration; and

(3.) The Loan Commissioners shall annually cause to be made out up to the end of every financial year a report of their transactions under this Act during the year, and such report shall contain or have annexed thereto the prescribed particulars respecting moneys issued to and loans granted by the Commissioners either before or after the passing of this Act, and the execution of the duties of the Loan

Commissioners, and such other particulars as the Loan Commissioners may from time to time think fit:

Such particulars shall include a statement of any difference that may have arisen between the Loan Commissioners and any public department respecting the grant of any loan or the construction of any Act relating to loans by the Loan Commissioners:

Such report shall be transmitted to the Treasury within two months after the date up to which it is required to be made, and shall be forthwith laid by the Treasury before both Houses of Parliament if Parliament be then sitting, or if not, within one month after the then next sitting of Parliament; and

(4.) Any minute made of proceedings at meetings of the Commissioners, if signed by any person purporting to be the chairman, either of the meeting of the Commissioners at which such proceedings took place, or of the next ensuing meeting of the Commissioners, shall be receivable in evidence in all legal proceedings without further proof, and until the contrary is proved every meeting of the Commissioners, in respect of the proceedings of which minutes have been so made, shall be deemed to have been duly convened and held, and all the members thereof to have been duly qualified to act; and

(5.) An act or proceeding of the Commissioners shall not be questioned on account of any vacancy or vacancies in their body.

Officers and their salaries and expenses.

6. The Loan Commissioners may from time to time appoint or employ a secretary, solicitor, civil engineer, surveyor, and such number of officers, clerks, messengers, and other persons as they may, with the consent of the Treasury, deem necessary, and may remove any person so appointed or employed.

The Loan Commissioners may from time to time assign to any person so appointed or employed by them such salary or remuneration as they may, with the sanction of the Treasury, think proper.

A person appointed or employed by the Loan Commissioners, in pursuance of this section, shall not receive any remuneration in respect of such appointment or employment or otherwise in respect of the execution of his duties under this Act, except such as may be assigned to him in pursuance of this section.

Every such salary or remuneration, and all expenses incurred by the Loan Commissioners in the execution of this Act, shall be paid out of moneys provided by Parliament.

Securities given to and property vested

7. Where under this or any other Act or any conveyance, obligation, or security, any real or personal property, or any

in secretary to vest in his successor.

estate or interest therein, or any chose in action, has been or may be vested in, conveyed, made payable, or secured to the secretary of the Loan Commissioners for the time being as such secretary, and in respect of his office, all such real and personal property, estate and interest, and chose in action whatsoever, upon the death, removal, or resignation of any such secretary from time to time, and as often as the same happens and the appointment of a successor takes place, shall (subject to the same trusts, and equities, if any, as the same were before respectively subject to) vest in such succeeding secretary, by force of this Act and without any act or deed whatever to be done by the secretary dying, resigning or removed, or by the heirs, executors, or administrators of such secretary, or by any person or persons claiming under him, them or any of them, and notwithstanding the same may have been expressed to be vested in, conveyed, made payable to or secured to such secretary, his heirs, executors, administrators, and assigns, or any of them; and shall be proceeded upon in the name of any succeeding secretary, by any action or suit in law or equity, or in any other manner as the same might have been proceeded upon by or in the name or names of such secretary dying, resigning, or removed.

Where the secretary of the Loan Commissioners is a party to any action, suit, or other legal proceeding, such secretary acting under the direction of the Commissioners shall be deemed to represent the Crown, so far as regards the interest of the Crown in any loan granted under this Act or any money due under a security for any such loan, and it shall not be necessary to make the Crown or any other person on behalf of the Crown, a party to such action, suit, or proceeding, in respect of such interest as aforesaid.

Execution of conveyances, leases, &c. by secretary on behalf of Commissioners

8. All conveyances, leases, mortgages, releases, arrangements, and things which the Loan Commissioners are authorised by this Act to grant, execute, make, or concur in, and all powers, acts, and things which the Loan Commissioners are authorised by this Act to exercise, do, or concur in, in relation to any mortgaged property or rate, may be granted, executed, made, concurred in, exercised, and done by their secretary for the time being under their direction, and when so granted, executed, made, concurred in, exercised, and done by such secretary, shall be deemed to have been granted, executed, made, concurred in, exercised, and done by him under the direction of the Commissioners, unless the contrary is shown by some person interested in contesting the validity thereof.

Any property, chose in action, estate, interest, powers, authorities, and privileges vested in or exerciseable by the secretary of the Commissioners in pursuance of this Act shall be dealt with and exercised by him under the direction of the Commissioners and not otherwise.

Objects, Terms, and Duration of Loan.

9. The Loan Commissioners may, if they think it expedient, from time to time, in manner mentioned in this Act, make loans for the purpose of any of the works mentioned in the first schedule to this Act, to any person having power under an Act of Parliament or otherwise to borrow for such purpose. Loans for public works.

The Loan Commissioners in considering the propriety of granting a loan shall have regard to the sufficiency of the security for its repayment, and, subject to the provisions of any special Act, shall determine whether the work for which the loan is asked would be such a benefit to the public as to justify a loan out of public money, having regard to the amount of money placed at their disposal by Parliament.

10. Every loan granted under this Act shall bear interest at a rate not less than the rate authorised by a special Act relating to such loan, or if no rate be so authorised, not less than five per cent. per annum; provided that when the aggregate amount of principal moneys due by any harbour authority to the Commissioners under "The Harbours and Passing Tolls, &c. Act, 1861," exceeds one hundred thousand pounds, the rate of interest on such excess shall be three and a half per cent., or such higher rate, not exceeding five per cent., as may in the judgment of the Treasury be necessary to enable the loan to be made without loss to the Exchequer. Interest on loan.

11. Every loan granted under this Act shall be made repayable by instalments (in the form of an annuity or otherwise) within a period from the date of the actual advance of such loan, not exceeding the period authorised by a special Act relating to such loan, or if no period be so authorised not exceeding twenty years. Term of years for repayment of loan.

Where a loan has been granted repayable within a period less than the full period allowed by the foregoing provisions of this section, the Loan Commissioners, if the repayment of the loan with interest is in their opinion sufficiently secured by such security as is required by this Act, and if they think fit, may extend the period for the repayment of such loan to a period not exceeding the said full period from the date of the advance of such loan.

Where no period is authorised by a special Act relating to the loan, the Treasury, on the recommendation of the Loan Commissioners, stating special circumstances, may either before or after the grant of the loan, extend the period within which the loan is to be repaid to such period as may be recommended by the Loan Commissioners.

The Loan Commissioners in considering whether the period for the repayment of a loan should or should not be the said full period, and the Loan Commissioners and the Treasury in

considering whether the period should be extended as aforesaid, shall have regard to the durability of the work for the purpose of which the loan is granted, and to the expediency of the cost of the work being paid by the generation of persons who will immediately benefit by such work.

The first instalment for the repayment of every loan shall be made payable within a period not exceeding five years from the date of the advance of such loan.

Security for loans.

12. The Loan Commissioners before advancing any money on account of a loan shall take security for the repayment of the loan with the interest, consisting of the security authorised by the special Act relating to the loan, or if none is so authorised, of a mortgage of property or of a rate, or of both property and a rate, and (save as herein-after mentioned) of personal security.

The Loan Commissioners may, if they think fit, dispense with personal security in any case in which in their opinion the mortgaged property or rate is sufficient security for the payment of the principal and interest of the loan within the stipulated period.

Funds for Loans.

Annual estimate of amounts required.

13. For the purpose of passing an annual Act of Parliament, granting money for the purpose of loans by the Loan Commissioners, every intending borrower shall send to the Commissioners on or before the thirty-first day of December in every year a statement of the new loan or instalments of a loan already granted which the sender will probably apply to borrow during the ensuing financial year; and the Commissioners shall as soon as practicable submit all such statements to the Treasury, with such observations thereon and information respecting the same as they may think expedient, and as may be necessary for enabling the Treasury to lay before the House of Commons an estimate of the amount required to be granted for the purpose of loans by the Loan Commissioners.

The Loan Commissioners shall not, except with the permission of the Treasury, grant any loan or advance any instalment of a loan which has not been included in such a statement as above mentioned.

The Treasury, if they think that after providing for the loans and instalments included in the said statements, or such of them as will actually be advanced, there will be a balance out of the sum granted by Parliament sufficient to meet any loan or instalment not included in the statements, may, if they think fit, grant such permission, and may grant it conditionally upon the said balance being in their opinion sufficient when the time for the actual payment arrives.

If the regulations under this Act require quarterly statements to be sent by borrowers of the amounts which will be

required by such borrowers, the Treasury may, if they think fit, refuse to issue in any quarter of a financial year any larger sum than the total of the amounts named in the statements referring to such quarter.

Issue of money for purpose of loans

14. When any money has been granted by Parliament for the purpose of loans by the Loan Commissioners, the Treasury may from time to time, as they think fit, issue out of the Consolidated Fund of the United Kingdom, or the growing produce thereof, the required sums, not exceeding in the whole the amount so granted.

The said sums shall be issued in such manner as the Treasury may from time to time direct during the period authorised by the Act granting the same, or if no period is authorised, during the financial year for which such Act was passed, and not subsequently.

Borrowing for the purpose of raising money.

15. If the Act granting money for the purpose of loans by the Loan Commissioners authorises the Treasury to borrow such money, or any part thereof, the Treasury may raise any sums (not exceeding the amount authorised by the said Act to be borrowed, and not exceeding in any one financial year the excess of the issues out of the Consolidated Fund under this Act during that year over the repayments to the Consolidated Fund during that year in respect of the principal of loans granted by the Loan Commissioners either before or after the commencement of this Act,) in such one or more of the following methods as may be directed by the Act authorising the money to be borrowed, and subject to any such direction as may be deemed most convenient for the public service, namely, by the creation of three pounds per centum per annum permanent annuities, or of annuities for any term not exceeding thirty years, or by the issue of Exchequer bonds or Exchequer bills, or by otherwise borrowing the same (for a period not exceeding six months) on the credit of the charge created by this Act on the Consolidated Fund, or by all of such means; and the sums so raised shall be placed to the credit of the account of Her Majesty's Exchequer, and form part of the Consolidated Fund.

The annuities created in pursuance of this section, and the principal moneys borrowed in pursuance of this section (otherwise than by the issue of Exchequer bonds), and all interest from time to time due thereon, or on Exchequer bonds issued under this section (not exceeding the rate of five per cent. per annum) shall be charged upon and be payable out of the Consolidated Fund, or out of the growing produce thereof, at such times in each year as may be fixed by the Treasury.

The principal of any Exchequer bonds issued under this section shall be paid out of moneys provided by Parliament.

The annuities, whether terminable or perpetual, shall be created by warrant of the Treasury to the Bank of England,

directing them to inscribe in their books the amount of such annuities in the names directed by the warrant.

The said annuities shall, in manner directed by the warrant, be consolidated in the said books, if terminable, with annuities payable at the same date, and, if permanent, with annuities at the same rate of interest, and payable at the same date, and shall be transferable in the said books in like manner as the annuities with which they are consolidated, and shall be subject to the enactments relating to those annuities so far as is consistent with the tenor of those enactments.

Issue of money to the National Debt Commissioners.

16. All money issued by the Treasury for the purposes of loans under this Act shall be issued to the National Debt Commissioners, and placed to such account as may be from time to time directed by the Treasury, and shall be held by the National Debt Commissioners in trust on the part of the public, but subject to the disposal of the Loan Commissioners for the purpose of loans by them under this Act.

Repayments to Commissioners to go to Consolidated Fund.

17. All sums paid or applicable in or towards the discharge of the principal or interest of any loan granted by the Loan Commissioners, either before or after the passing of this Act, or of any other sum due in respect of such loan, shall be paid into the receipt of Her Majesty's Exchequer in such manner as the Treasury from time to time direct, and shall be carried to the Consolidated Fund; but where any security for any such loan is enforced, by taking possession, sale, levy of a rate, or otherwise, the net receipts only shall be paid into the receipt of Her Majesty's Exchequer in pursuance of this section.

Recovery of Loans.

Charge on property and priority of loan by the Commissioners.

18. Where a loan is granted by the Loan Commissioners on the security of a mortgage of any property (whether with or without any other security), the property from and after the date of the mortgage shall be charged with the payment to the use of Her Majesty of the loan with interest as in the mortgage mentioned, in priority, save so far as otherwise specified in the mortgage, over every other debt, mortgage, or charge whatsoever affecting the property, except any loan due to any creditor not assenting to such priority which has been advanced in good faith before the loan advanced by the Commissioners and secured by a mortgage of the property executed to a person who is entitled as a bonâ fide creditor to the repayment thereof with interest.

Provided that if there is more than one such creditor and not less than four fifths in value of such creditors consent in writing that the said charge shall have priority over the loans and mortgages of such creditors, in such case the loans and mortgages of all such creditors, as well those who have not agreed as those who have agreed, shall be postponed to the

loan granted by the Commissioners and to the said charge thereof, and to the security for the same.

Nothing in any special Act, and no rule of law or custom shall affect the priority given by this section, except so far as the special Act negative such priority in terms expressly referring to this Act.

19. Where a loan is granted by the Loan Commissioners on the security of a mortgage of any rate (whether with or without any other security) such rate from and after the date of the mortgage shall be charged with the payment to the use of Her Majesty of the loan with interest as in the mortgage mentioned.

Charges on rate of loan and loan not to be repudiated by locality having had the benefit of it.

Where the loan has been granted to any borrower who appeared to the Commissioners to have power to levy and mortgage such rate and has been expended upon the work in respect of which or in or for the benefit of the locality in which such rate or any part thereof is levied, the mortgage of the rate for securing the repayment of the loan with interest shall be valid, and may be enforced in pursuance of this Act, notwithstanding any defect in the power or title of the borrower by whom the mortgage purports to be granted; and in particular the Commissioners may, although such borrower was not legally constituted or is dissolved, or is otherwise incapable and always was incapable of making, levying, or mortgaging such rate, have the same power of making and levying and enforcing the making or levying the said rate for the purpose of repaying such loan and interest, and all other sums due under the mortgage, as if such borrower had been duly constituted, and was not dissolved, and had had full power to make, levy, and mortgage such rate.

20. All securities for any loan granted by the Loan Commissioners in pursuance of this Act may be given to the secretary of the Commissioners on their behalf. Every such security is in this Act referred to as a security given to the Commissioners.

Securities to be taken in name of secretary.

21. Where a mortgage of property has been given to secure any loan granted by the Loan Commissioners, and default is made in making payment according to the terms of such mortgage, then at any time after such default and without any consent on the part of any person interested in the equity of redemption of the mortgaged property, the Commissioners, without prejudice to any other remedy, shall have power to do all or any of the following things; namely,

Taking possession by Commissioners of property on default of payment.

(1.) Take possession of the mortgaged property, or any part thereof; and

(2.) Grant any lease of the mortgaged property, or any part thereof, for such term and upon such reasonable

conditions as they may think expedient, and that either for a premium or rent, or both; and

(3.) Sell or mortgage the mortgaged property, or any part thereof.

Powers of Commissioners when in possession

22. The Loan Commissioners, when authorised to take possession of any mortgaged property, may take possession either by themselves or by any person appointed by them (whether such person is interested in the mortgaged property or not), and upon possession of any mortgaged property being so taken,—

(1.) All the estate, right, interest, powers, authorities, and privileges, of what nature or kind soever, which were at the time of the making of the mortgage or may for the time being be vested in or exerciseable by the mortgagor or any person claiming through or under the mortgagor, either in relation to the property or necessary for carrying on and managing the same, shall become vested in the secretary of the Commissioners; and

(2.) The Commissioners may by themselves or any person appointed as aforesaid manage and carry on the property, and receive the revenue arising therefrom, or in any way receivable in respect thereof, or otherwise, in pursuance of the mortgage, and exercise all or any of the powers and authorities vested in their secretary by this Act; and

(3.) The Commissioners or their secretary or such person as aforesaid shall not be liable for the repairs or maintenance of the mortgaged property, but may apply any moneys received in respect thereof or raised from any rate towards such repairs or maintenance to such extent as the Commissioners may think expedient; and

(4.) The Commissioners may, with the consent of the Treasury, advance out of moneys at their disposal under this Act sums for the completion, repair, improvement, or security of the mortgaged property, and every such sum shall be deemed and shall be a loan secured on the property and repayable with the like interest from the time of the advance, and by the like person, and shall have the like priority and be recoverable in the like manner as if it were part of the original loan secured by the said mortgage; and

(5.) If the revenue received from or in respect of the property is insufficient to keep down the current expenses of working, maintaining, and repairing the same, together with the instalments of principal and the interest for the time being due on the mortgage,

and no rate or no sufficient rate can be levied to meet the deficiency, the Commissioners may, with the consent of the Treasury, destroy or cause to be destroyed, or (if they sell the same) authorise the purchaser with the like consent to destroy the same, and sell or authorise the purchaser to sell the materials thereof and other the articles, goods, and effects belonging thereto, and neither the Commissioners, nor their secretary, nor the purchaser so authorised, nor his representatives, shall be liable in damages or otherwise to any person whomsoever for such destruction; and the provisions of this Act with respect to the sale of any mortgaged property shall apply to any sale under this section; and

(6.) Possession under this Act may be relinquished at such time and in such manner and upon such terms and conditions as the Commissioners think fit, and upon such relinquishment all powers, authorities, and privileges which on the taking of possession became vested in the secretary of the Commissioners shall, so far as they are not reserved, revert to and become vested in the person in whom the same would have been vested if possession had not been taken, but the Commissioners may, if they think fit, on the relinquishment of possession, reserve any of the said powers, authorities, and privileges, with a view to the payment of any sum due to them:

(7.) Every such relinquishment of possession of any mortgaged property shall be without prejudice to the power of again taking possession thereof under the provisions of this Act.

Powers in relation to rate where default made.

23. Where a loan made by the Commissioners is secured by the mortgage of a rate (whether with or without any other security), and the Commissioners might, if such loan were secured upon a mortgage of property, take possession of such property, the Commissioners may, without prejudice to any other remedy, by notice in writing served at the office or last known place of address of the mortgagor, or where from any cause the same cannot be so served by notice in writing published in the prescribed manner, declare their intention to exercise the powers conferred by this Act, and thereupon the Commissioners shall have and may exercise the same power as the mortgagor of making and levying the rate mortgaged, and for that purpose the Commissioners or their secretary with their concurrence may appoint an officer who, subject to the direction of the Commissioners, shall have and may exercise the same powers, authorities, and duties as if he had been appointed by the mortgagor.

The Commissioners, in making an estimate of the rate to be levied for the purpose of paying any sum due, may add

such sum as they think sufficient for defraying and may defray thereout all costs, charges, and expenses, including remuneration to any officer or other person employed, incurred by the Commissioners in the execution of their powers under this section or otherwise by reason of the default in payment.

Any balance remaining in the hands of the Commissioners shall be paid by them to the mortgagor.

The Commissioners may, by a like notice, declare their intention to relinquish the powers conferred by this section, and that either absolutely or with reservations and conditions, and thereupon all such powers shall revest in the mortgagor, subject to the said reservations and conditions.

Liability of Commissioners after taking possession or in default of payment.

24. When the Loan Commissioners have taken possession of any property under this Act, or exercised the powers conferred by this Act in relation to any rate, neither they nor their secretary, nor any person appointed by them in that behalf, shall be liable to account to any person interested in the equity of redemption in such property or rate for any moneys which, but for their wilful neglect or default, they or he might have received when so in possession or exercising such powers, or for any moneys other than those which have actually come to their or his hands.

Sale and mortgage by Commissioners of mortgaged premises.

25. Where the Loan Commissioners have power to sell or mortgage, they shall have power to sell or mortgage either together or in parcels, by public auction or private contract, and subject to such conditions as to title or evidence of title or otherwise as the Commissioners may think proper.

They may also buy in at any auction and rescind any contract for sale or mortgage, and resell or remortgage, without being responsible for any loss occasioned thereby.

Where a sale cannot be made in the ordinary way for a sum equal to the amount remaining due under the mortgage, the Loan Commissioners may, if they think fit, sell in such manner and subject to such conditions, stipulations, and agreements as they may think expedient for the purpose of ensuring the completion or carrying on of the work comprised in such mortgage by the purchaser thereof, with a view to the public good or general benefit, or for any other purpose, notwithstanding such conditions, stipulations, and agreements may be prejudicial to the sale, or may not be beneficial to the persons interested in the equity of redemption in the property.

The Loan Commissioners may for the purpose of any sale or mortgage execute all such agreements, conveyances, and instruments as they may think fit.

Purchaser not liable to see to the validity of sale or application of money.

26. Every sale or mortgage made by the Commissioners or their secretary, and purporting to be made in pursuance of this Act, shall, so far as regards the interest of the purchaser and mortgagee, be deemed to be valid, and the purchaser or mortgagee shall not be bound to see or inquire whether the

sale or mortgage is authorised, nor in the case of a mortgage whether the money raised is required to be raised, nor as to the necessity or expediency of or authority for making the conditions, stipulations, or agreements subject to which the sale or mortgage was made, nor otherwise as to the propriety or regularity of such sale or mortgage, nor be affected by express notice as to any matters into which he is not bound to see or inquire.

The receipt in writing of the Bank of England, or one of their cashiers or other proper officer for the purpose of the Bank of England, or other prescribed receipt, shall be a full discharge for the money paid on the sale or mortgage, and the person paying the same shall not be bound to see to the application of such money, or be liable or in any manner accountable for the mis-application or non-application thereof.

Terms of lease, sale, or mortgage.

27. Any lease, mortgage, conveyance, or other disposition made by the secretary of the Commissioners under this Act of any mortgaged property may be in the prescribed form, and shall convey to the person in whose favour such lease, mortgage, conveyance, or other disposition is made, and according to the terms thereof, all or any part of the estate, right, interest, powers, authorities, and privileges, which under the mortgage and this Act are vested in or capable of being exercised by the Loan Commissioners, or their secretary, either before or after possession taken, and the same shall thereupon be vested in and may be exercised and put in force by such person accordingly.

Nothing in this Act shall operate to invalidate or affect the rights of any person entitled bonâ fide to any debt, estate, or interest, having priority over or ranking pari passu with the loan granted by the Commissioners, or the security for such loan, or the rights of any lessee under any lease made either prior to such security or with the concurrence of the Commissioners.

Application of money arising on taking possession, sale, mortgage, &c. by Commissioners.

28. Any money arising from the taking possession, lease, sale, mortgage, or other disposition under this Act by or under the direction of the Loan Commissioners of any mortgaged property shall be applied first in discharge of all costs, charges, and expenses incurred by or under the direction of the Commissioners in respect thereof, or otherwise by reason of the default in payment, and secondly in discharge of the whole of the principal of the loan secured by the mortgage and for the time being unpaid (notwithstanding that the same or any instalment thereof may not have become actually due), and in discharge of all interest accrued due on such principal, and of all other sums (if any) due under the mortgage.

The surplus (if any) of such money either shall be paid to the mortgagor or other person or persons entitled thereto, or,

if the Commissioners think fit, shall be paid by the secretary of the Commissioners into the Court of Chancery in England in like manner as if he were a trustee of such money for the persons entitled thereto, and the court may make such orders for the payment and distribution of such money to or among those persons as may from time to time seem to the court just

Payment of loan before it is due, and transfer of security for all or part of loan.

29. The Loan Commissioners may, if they think fit, at any time accept payment of the whole or any part of the principal and interest of any loan or other moneys secured by any mortgage under this Act before the time when the same is due; and may release or convey the mortgaged property or rate to the person paying the same, or as he may direct, upon such terms and conditions and in such manner and form as the Commissioners may think expedient.

The person in whose favour any conveyance of the mortgaged property or rate under this section is made shall, subject to any limitations inserted therein, be entitled to the like priorities, powers, and authorities as the Commissioners or their secretary were entitled to, either subject to or with priority over or concurrently with any priorities, powers, and authorities reserved to the Commissioners by the conveyance.

The Commissioners shall have full power to enter into and concur in all such arrangements as they may deem expedient for the purposes of carrying into effect a release or conveyance under this section.

Discharge of security and revesting of property on repayment of loan.

30. Upon all money due under a mortgage under this Act being fully paid the Commissioners shall, when required, give in the prescribed manner to the person liable to the payment thereof a receipt in writing for the same, and such further sufficient discharge (if any) as may seem to the Commissioners to be necessary, and upon such receipt being given the mortgaged rate shall be released from the charge and the mortgaged property, or the part thereof not sold or disposed of under this Act, shall (unless the Commissioners, on the request and at the expense of the person paying the said money, make any other disposition thereof,) revest in the person who would have been entitled thereto if the mortgage had not been made, subject nevertheless to any lease, mortgage, or other act previously made or done by or under the direction of the Commissioners.

Bankruptcy of debtor.

31. Where an individual liable to pay as principal or surety the principal or interest of any loan under this Act becomes bankrupt or insolvent, or enters into any composition or arrangement with his creditors, or has his affairs liquidated by arrangement, or takes the benefit of, or becomes subject to the provisions of any Act passed for the relief of persons in debt, or for enabling the property of such persons to be distributed among their creditors, or where any company liable to pay as principal or surety the principal or interest of

any loan under this Act becomes bankrupt or is wound up, the whole of such loan shall become due immediately, notwithstanding that the date for the payment thereof or part thereof has not arrived, unless in the case of a surety the Commissioners think fit to accept some other surety.

Form of mortgage.

32. Every security given under this Act may be in such form as may be prescribed, and the fact of the secretary of the Loan Commissioners being a party thereto shall be conclusive evidence that the same is in the prescribed form, and every such security shall be valid and effectual to pass all the estate, right, and interest purporting to be passed thereunder by the parties executing the same, subject to the provisions of this Act.

Recovery of debt on personal security.

33. Every sum payable under any security made in pursuance of this Act shall be made payable to the use of Her Majesty, her heirs and successors, and may be recovered as a specialty debt due to the Crown, in like manner as if the security had been made in the form provided by the Act of the thirty-third year of the reign of Henry the Eighth, chapter thirty-nine; but no person shall be liable for any larger sum than that which he is expressed to be bound to pay.

Every sum payable in respect of a loan granted by the Loan Commissioners (either before or after the passing of this Act) or under the security for such loan, shall be compounded for or released only under the authority of Parliament in each case.

The Loan Commissioners may issue a warrant to the proper officer forthwith to enforce payment of such debt to the Crown as aforesaid, and if necessary to enter satisfaction therefor, and shall have the control over any proceedings taken to enforce such debt, and such proceedings shall not be discontinued, quashed, or abated without the written authority of the Loan Commissioners.

The Court of Exchequer, or other competent court, or any judge thereof, may, upon the production of the said warrant, direct an immediate writ of extent, or of diem clausit extremum, to issue without any writ of scire facias or any affidavit or other proof of the cause of the proceeding.

Nothing in this Act shall render it the duty of the Loan Commissioners to issue such warrant or to register such writ or debt, unless they are of opinion that it is necessary for the purpose of securing the payment of the debt, or that otherwise under the particular circumstances it is expedient so to do.

Recovery of loan after the expiration of term for repayment.

34. The expiration of the period within which a loan under this Act is made repayable (whether such period is the full period allowed by this or the special Act or a shorter period) shall not in any way affect any power of the Loan Commissioners of recovering or enforcing payment of any sum due in respect of such loan.

Supplemental Provisions as to Loans and Securities.

Security for completion of works partly finished or not commenced.

35. Where the Commissioners grant a loan in aid of any work which is either partly completed or not commenced, they may, by a bond to Her Majesty or otherwise, take such security for the application of the loan to the work, and for the due completion of the work (including the raising of sufficient funds for that purpose), as they may think sufficient for securing the interest of the public.

Examination as to proper application of moneys lent.

36. Where the Loan Commissioners advance any loan for any purpose on the security of a rate, it shall be the duty of the Local Government Board to satisfy themselves that the loan is applied to such purpose; they may from time to time make such examination as they may think necessary with a view to ascertain that such loan has been so applied.

The Local Government Board may appoint any officer to conduct on their behalf any examination under this section, and such officer shall have the same powers to require the attendance of persons and the production of accounts and other documents, so far as such attendance or production is required for the purpose of such examination, as an inspector of the Local Government Board has under the Acts relating to the relief of the poor.

Suspension of payment of principal and interest.

37. The Treasury may, on the recommendation of the Loan Commissioners, postpone for any time not exceeding five years the payment of the instalments of principal and interest, or either, due or to become due in respect of a loan granted by the Commissioners for the purpose of any work, and that upon such terms and conditions for the completion and improvement of such work, and the ultimate payment of such principal and interest, as the Treasury may on the said recommendation authorise.

Change of security.

38. The Loan Commissioners may, subject to the prescribed regulations, if under the circumstances of the case they think fit, accept any security in lieu of any security previously given to them, or of any part of such security, and that subject to such terms and conditions as they direct; so, however, that the substituted security shall be of the character which the Commissioners might take if the loan were originally granted at the time of such substitution, and that no change of security under this section shall extend the period for the repayment of the loan.

Concurrence by Commissioners in leases, sales, &c. of mortgaged property.

39. The Loan Commissioners may concur in any lease, conveyance, release, or other disposition of any property mortgaged under this Act, or any part thereof, and in the arrangements relative thereto, upon such terms and conditions as they may think fit, and either with or without consideration, so that in their opinion the payment, with interest, of the loan charged on the mortgaged property is sufficiently secured or is not thereby made less secure.

Special Provisions as to Borrowers.

40. The justices for any county, or any riding, division, parts, or liberty of a county, in general or quarter sessions assembled, may (if they resolve by a majority of not less than five justices so to do) borrow money from the Loan Commissioners for the purpose of building, rebuilding, enlarging, repairing, improving, and fitting up any police station and justices room, and offices connected therewith, or any of such purposes, and may levy a rate or any increase of a county rate for the purpose of paying the principal and interest of such loan, and may mortgage such rate or the county rate to the Loan Commissioners in accordance with this Act.

Power to various authorities to mortgage and levy rates.

The council of any borough may borrow money from the Loan Commissioners for the purpose of building, rebuilding, enlarging, repairing, improving, and fitting up any police station and justices room, and offices connected therewith, or any of such purposes, and may levy a rate or an increase of the borough rate for the purpose of paying the principal and interest of such loan, and may mortgage such rate or the borough rate to the Loan Commissioners in accordance with this Act.

The said justices and council respectively shall have power to give the mortgage in such manner and form as the Loan Commissioners may direct.

Miscellaneous.

41. The Loan Commissioners may from time to time make regulations for carrying into effect this Act, and in particular with respect to the quorum and proceedings of the Commissioners and the authentication of documents made or issued or directions given or acts done by them, and with respect to loans under this Act and applications therefor, and annual and quarterly statements of the amounts required to be borrowed, and the information to be given and conditions to be complied with by the applicants, and with respect to the forms to be used, including the forms of the securities, and with respect to any fees or sums to be paid by the applicants or by other persons dealing with such Commissioners, and with respect to the relations between such Commissioners and the National Debt Commissioners and the Bank of England.

Regulations by Commissioners.

Every such regulation shall be submitted for the approval of the Treasury, and as approved by them with such modifications and additions as they think fit, shall be published in the London Gazette, and when so published shall have effect as if it was enacted in this Act.

Every such regulation shall be laid before both Houses of Parliament as soon as may be after the making thereof if Parliament be then sitting, or if Parliament be not then

sitting within one month after the then next meeting of Parliament. Every regulation, purporting to be made in pursuance of this section, shall after the expiration of six months after its publication in the London Gazette be deemed to have been duly made and to have been within the powers of this Act.

Regulations made under this section may be from time to time rescinded, altered, and added to in like manner as the original regulations.

Payment of fees and other sums into the Exchequer.

42. All fees and other sums payable by any person in pursuance of the regulations made under this Act, or which may be paid otherwise in respect of the execution of any duties by the Loan Commissioners or their officers under this Act, shall be accounted for and paid into the receipt of Her Majesty's Exchequer, in such manner as the Treasury may from time to time direct, and be carried to the Consolidated Fund.

The Public Offices Fees Act, 1866, shall apply to any such fees or sums.

Accounts

43. The Loan Commissioners shall keep at the Bank of England such account, and under such title as the Treasury may from time to time direct, and every such account shall be deemed to be a public account.

Such accounts as the Treasury may from time to time direct of all moneys issued from or payable to the Consolidated Fund in pursuance of this Act during every financial year, and of all transactions under this Act during that year, including all sums due for the time being from any person in respect of any loan granted by the Loan Commissioners either before or after the passing of this Act, shall be kept by the National Debt Commissioners and the Loan Commissioners respectively, and such other persons (if any), and be audited by the Comptroller and Auditor General in such manner as the Treasury may from time to time direct.

Perjury.

44. Any person who, when examined by the Loan Commissioners in pursuance of this Act, or any regulation made under this Act, wilfully gives false evidence, or who, for the purpose of obtaining a loan under this Act, wilfully gives information to such Commissioners which is false in any material particular, shall be guilty of perjury.

Authority, and laying before Parliament Treasury warrants.

45. The warrant of the Treasury issued under the authority of this Act shall be a sufficient authority to the Bank of England for doing the things thereby directed to be done for the purposes of this Act, and copies of any such warrant relating to the borrowing of money shall be laid before both Houses of Parliament, within one month of the date thereof, if Parliament be then sitting, and if not within one month after the then next meeting of Parliament.

46. The receipt in writing of the Bank of England, or one of their cashiers or other the proper officer for the purpose of the Bank of England, and any other prescribed receipt for any money paid in discharge of the principal or interest of any loan granted under this Act, or of any sum due under any security made under this Act or otherwise payable to or by the direction of the Loan Commissioners or their secretary, shall be a complete discharge to the person paying the same.

Receipt for money payable on account of loan, &c.

47. Notices, directions, orders, and documents required by this Act, or by any regulation made under this Act, to be served or sent may, unless otherwise expressly provided, be served and sent by post, and, until the contrary is proved, shall be deemed to have been served and received respectively at the time when the letter containing the same would be delivered in the ordinary course of post; and in proving such service or sending it shall be sufficient to prove that the letter containing the notice, direction, order, or document was prepaid, and properly addressed, and put into the post.

Notices may be served by post.

48. Notices, and documents required by this Act, or by any regulation made under this Act, to be served on the Loan Commissioners, may be so served by serving the same on their secretary, or by sending the same addressed to or delivering the same at the office of the Commissioners.

Notices and documents required for the purposes of this Act, or of any regulation made thereunder, to be served by or on the Loan Commissioners, or to be made or issued by the Loan Commissioners, shall be in writing or in print, or partly in writing and partly in print.

Notices to and by Commissioners.

49. The schedules to this Act shall be construed and have effect as part of this Act.

Effect of schedules.

50. Except so far as a special Act, by express reference to some part of this Act, alters that part, every loan made by the Loan Commissioners shall, notwithstanding any provision in such special Act and any rule of law or custom, be made in accordance with and under the powers of this Act, and be repayable in manner provided by this Act, and by the security for the same granted under this Act, and every such loan, together with the security for the same, shall have the priority and be subject to the powers, authorities, and remedies mentioned in this Act; and although made in pursuance of a special Act, shall be deemed for all purposes to be a loan under this Act.

Application of Act to loans under special Acts.

51. In this Act, if not inconsistent with the context,—

Definitions.

The expression "person" includes a body of persons, whether corporate or unincorporate:

The expression "the Treasury" means the Commissioners of Her Majesty's Treasury:

The expression "National Debt Commissioners" means the Commissioners for the Reduction of the National Debt:

The expression "Bank of England" means the Governor and Company of the Bank of England:

The expression "financial year" means the year ending the thirty-first day of March:

The expression "prescribed" means prescribed by the regulations made under this Act with the approval of the Treasury:

The expression "special Act" means any Act passed before the passing of this Act which authorises the Loan Commissioners to lend money for the purposes of any work mentioned in the first schedule to this Act and any Act passed after the passing of this Act, which authorises the Loan Commissioners to lend money for any purpose:

The expression "security" includes a mortgage:

The expression "mortgage" includes a charge and any instrument in the nature of a mortgage or charge, and in Scotland any heritable security:

The expression "conveyance" includes any grant, assignment, transfer, or other disposition or assurance; and the expression "convey" shall be construed accordingly:

The expression "rate" means a rate, cess, or assessment the proceeds of which are applicable to public local purposes and leviable on the basis of a valuation of property, and includes any sum which, though obtained in the first instance by a precept, certificate, or other instrument requiring payment from some authority or officer, is or can be ultimately raised out of a rate, as before defined, and the making and levy of a rate includes the issue and enforcement of any such precept, certificate, or instrument as aforesaid, and expressions relating to the making and levy of a rate shall be construed accordingly:

Any toll, due, rent, imposition, and other sum not being a rate as above defined shall be deemed to be property for the purposes of this Act.

All references to a mortgagor or borrower shall, if need be, be deemed to include a reference to the successors, heirs, executors, administrators, and assigns of, or other persons claiming through or under such mortgagor, or borrower.

Temporary Provisions and Repeal.

First Commissioners.

52. The following persons, that is to say, Thomas M. Weguelin, Esq., M.P., Kirkman D. Hodgson, Esq., M.P., Paul Butler, Esq., Thomson Hankey, Esq., M.P., T. N. Hunt, Esq., H. H. Vivian, Esq., M.P., W. Jones Loyd, Esq., Herbert Barnard, Esq., Lord Napier and Ettrick, Richard Musgrave Harvey, Esq., Lord Cottesloe, Sir Charles H. Mills, Bart., M.P., Jervoise Smith, Esq., Edward Howley Palmer, Esq., Right

Honourable T. M. Gibson, and Thomas Salt, Esq., M.P., shall be the first Public Works Loan Commissioners under this Act, and shall hold office for a period of five years from the commencement of this Act.

53. The persons who at the commencement of this Act are officers of the Commissioners under the Acts hereby repealed shall be the first officers of the Loan Commissioners under this Act.

Existing officers of Commissioners.

The Treasury may, on the petition of any such officer, inquire whether any, and if any, what compensation ought to be made to him by reason of his salary or remuneration being restricted in pursuance of the provisions of this Act, regard being had to the conditions under which he was appointed and employed, the nature of his office or employment, and the duration of his service, and if they think that his claim to compensation is established, may award to him, out of moneys to be provided by Parliament, such compensation by way of increase of salary, allowance, or otherwise, as under the circumstances they think just and reasonable: Provided always, that if any officer has received remuneration in excess of what is considered by the Treasury sufficient remuneration for his office or employment, such excess shall not be considered to give any claim for compensation or increase of salary.

54. The first statement of the probable requirements of new loans or instalments of a loan to be sent by persons intending to borrow from the Loan Commissioners shall be sent on or before the thirty-first day of December one thousand eight hundred and seventy-five.

Sending of statements and making of regulations before commencement of Act.

Regulations under this Act may be made by the above-named Commissioners at any time after the passing of this Act.

The first report of the Loan Commissioners shall be made out up to the end of the financial year ending on the thirty-first day of March one thousand eight hundred and seventy-six, and shall relate to the transactions of the Loan Commissioners under the Acts repealed by this Act.

55. A reference in any Act to any enactment hereby repealed, or to the Commissioners for the execution of any Act hereby repealed, shall, so far as is consistent with the tenor thereof, be deemed to refer to the corresponding enactment in this Act and to the Public Works Loan Commissioners under this Act.

Reference in Acts to repealed Acts.

56. Save as otherwise provided by this Act this Act shall apply only to loans granted and securities made after the commencement of this Act.

Saving for loans and transactions under repealed Acts.

The Loan Commissioners shall have the same power of making further advances on any mortgage made before the commencement of this Act and intended to secure more than

the sum which has actually been advanced thereon as they would have had under the Acts repealed by this Act if they had not been repealed, but such advances shall be made out of money issued under this Act.

The Loan Commissioners, on granting any new loan to persons by whom a loan granted before the commencement of this Act is still owing, may make it a condition of the grant of such new loan that the old loan shall be deemed to have been granted in pursuance of this Act, and on such condition being accepted the old loan shall be deemed to be a loan under this Act.

For the purpose of any loans granted and securities made before the commencement of this Act, the Loan Commissioners under this Act and their secretary and other officers for the time being shall be deemed to be the same commissioners, secretary, and officers as the commissioners, secretary, and officers under the Acts in pursuance of which such loan was granted and securities made, and all securities and documents relating to such commissioners, secretary, and officers shall be construed accordingly.

Repeal of Acts.

57. The Acts specified in the third schedule to this Act so far as they are unrepealed are hereby repealed from and after the commencement of this Act, and so much of any other enactment as authorises any loan by the Public Works Loan Commissioners for the purpose of any work other than a work mentioned in the first schedule to this Act, or as is otherwise inconsistent with this Act, is hereby repealed from and after the commencement of this Act.

Provided that—

(1.) The repeal of an enactment by this Act shall not affect—

(*a.*) The charge on the Consolidated Fund or moneys provided by Parliament of the principal and interest of Exchequer bonds issued under any enactment hereby repealed; nor any securities made or issued or anything duly done or suffered under any enactment hereby repealed; nor

(*b.*) Any power to make or levy rates, or any other power capable of being exercised for the purpose of enabling or compelling the repayment of any money due on account of any loan granted by the Public Works Loan Commissioners before the commencement of this Act, whether the same or any part thereof has been actually advanced before or after such commencement; nor

(*c.*) Any right, obligation, or liability acquired, accrued, or incurred under or in accordance with any enactment hereby repealed; nor

(*d.*) Any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment hereby repealed; nor

(*e.*) Any powers, investigation, legal proceeding, or remedy in respect of any such security, thing, rate, power, right, obligation, liability, penalty, forfeiture, or punishment as aforesaid; and any such powers, investigation, legal proceeding, and remedy may be exercised and carried on and had as if this Act had not passed; and

(2.) Neither this Act nor the repeal of any enactment by this Act shall affect the issue of money for the purposes of loans by the Commissioners of Public Works in Ireland, in accordance with the Act of the session of the twenty-ninth and thirtieth years of the reign of Her present Majesty, chapter seventy-three, intituled "An Act to authorise for a further "period application of money for the purposes of "loans for carrying on public works in Ireland," and the sums mentioned in that Act may be issued in like manner as if this Act had not passed.

SCHEDULES.

FIRST SCHEDULE.

Works for the Purpose of which the Commissioners may lend Money.

Baths and wash-houses provided by local authorities.

Burial grounds provided by burial boards, or (in Scotland) by burial boards or parochial boards.

Conservation or improvement of rivers or main drainage.

Docks.

Harbours and piers, and any work for which the Public Works Loan Commissioners are authorised to lend by section three of the Harbours and Passing Tolls, &c. Act, 1861. 24 & 25 Vict. c. 47.

Improvement of towns.

Labourers dwellings.

Lighthouses, floating and other lights for the guidance of ships, buoys and beacons.

Lunatic asylums of any county or borough in Great Britain, or of any district or parochial board in Scotland.

Police stations and justices rooms of any county or borough in Great Britain, and the offices connected therewith, also sheriff court buildings in Scotland.

Prisons.

Public libraries and museums.

Any schoolhouse or work for which a school board is authorised to borrow under the Elementary Education Acts, 1870 and 1873, or any Act amending the same, or under the Education (Scotland) Act, 1872. 33 & 34 Vict. c. 70. 36 & 37 Vict. c. 86.

Waterworks established or carried on by a sanitary or other local authority. 35 & 36 Vict. c. 62.

Workhouses or poorhouses, and any work for which guardians of the poor, or (in Scotland) any parochial board, are authorised to borrow under the general Acts relating to the relief of the poor.

Any work for which a sanitary authority are authorised to borrow under the Public Health Act, 1875.

25 & 26 Vict. c. 101. Any work for which police commissioners are authorised to borrow under the General Police and Improvement (Scotland) Act, 1862, and any Act amending the same.

30 & 31 Vict. c. 101. Any work for which a local authority are authorised to borrow under the Public Health (Scotland) Act, 1867, or any Act amending the same.

Any work for which the Commissioners are authorised to lend by any Act passed after the passing of this Act.

SECOND SCHEDULE.

Form of Declaration.

I, *A.B.*, do hereby declare that according to the best of my judgment I will faithfully and impartially execute the powers and duties of a Public Works Loan Commissioner according to law.

THIRD SCHEDULE.

ACTS REPEALED.

Note.—Portions of Acts which have already been specifically repealed are in some instances included in the repeal in this schedule, in order to preclude henceforth the necessity of looking back to previous Acts.

Session and Chapter.	Title or Short Title.
57 Geo. 3. c. 34. -	An Act to authorise the issue of Exchequer bills and the advance of money out of the Consolidated Fund, to a limited amount, for the carrying on of public works and fisheries in the United Kingdom and employment of the poor in Great Britain in manner therein mentioned.
57 Geo. 3. c. 124. -	An Act to amend an Act made in the present session of Parliament authorising the issue of Exchequer bills and the advance of money for carrying on public works and fisheries and employment of the poor.
1 Geo. 4. c. 60. -	*An Act the title of which begins with the words,*—An Act to authorise, — *and ends with the words,* — executing the said Acts in Great Britain.
3 Geo. 4. c. 86. -	*An Act the title of which begins with the words,*—An Act to amend two Acts,—*and ends with the words,* —purposes of the said Acts.
5 Geo. 4. c. 36. -	An Act to amend and render more effectual the several Acts for the issuing of Exchequer bills for public works.
5 Geo. 4. c. 77. -	An Act to amend the Acts for the issue of Exchequer bills for public works.
6 Geo. 4. c. 35. -	An Act to render more effectual the several Acts for authorising advances for carrying on public works, so far as relates to Ireland.
7 & 8 Geo. 4. c. 47.	An Act for the further amendment and extension of the powers of the several Acts authorising advances for carrying on public works.

Session and Chapter.	Title or Short Title.
1 & 2 Will. 4. c. 24.	An Act to amend several Acts passed for authorising the issue of Exchequer bills and the advances of money for carrying on public works and fisheries and employment of the poor, and to authorise a further issue of Exchequer bills for the purposes of the said Acts.
3 & 4 Will. 4. c. 32.	An Act to amend the several Acts authorising advances for carrying on public works.
4 & 5 Will. 4. c. 72.	An Act to amend several Acts for authorising the issue of Exchequer bills for carrying on public works and fisheries and employment of the poor, and to authorise a further issue of Exchequer bills for the purposes of the said Acts.
7 Will. 4. & 1 Vict. c. 51.	An Act to authorise a further issue of Exchequer bills for public works and fisheries and employment of the poor, and to amend the Acts relating thereto.
1 & 2 Vict. c. 88. -	An Act to authorise a further issue of Exchequer bills for public works and fisheries and employment of the poor, and to amend the Acts relating thereto.
3 & 4 Vict. c. 10. -	An Act to authorise the issue of Exchequer bills for public works and fisheries and employment of the poor.
5 & 6 Vict. c. 9. -	An Act to authorise the advance of money out of the Consolidated Fund, to a limited amount, for carrying on public works and fisheries and employment of the poor; and to amend the Acts authorising the issue of Exchequer bills for the like purposes.
9 & 10 Vict. c. 80. -	An Act to authorise the advance of money out of the Consolidated Fund for carrying on public works and fisheries and employment of the poor.
9 & 10 Vict. c. 83. -	An Act to empower the Commissioners for the Issue of Loans for Public Works and Fisheries to make loans in money to the Commissioners of Her Majesty's Woods in lieu of loans heretofore authorised to be made in Exchequer bills.
12 & 13 Vict. c. 86.	An Act to provide additional funds for loans by the Public Works Loan Commissioners for building workhouses in Ireland.
14 & 15 Vict. c. 23.	An Act to authorise for a further period the advance of money out of the Consolidated Fund, to a limited amount, for carrying on public works and fisheries and employment of the poor.
16 & 17 Vict. c. 40.	The Public Works Loan Act, 1853.
19 & 20 Vict. c. 17.	An Act to authorise for a further period the advance of money out of the Consolidated Fund for carrying on public works and fisheries and for the employment of the poor.
24 & 25 Vict. c. 80.	*An Act the title of which begins with the words,*—An Act to authorise,—*and ends with the words,*—and for other purposes.
25 & 26 Vict. c. 30.	*An Act the title of which begins with the words,*—An Act to amend an Act,—*and ends with the words,*—and for other purposes.
29 & 30 Vict. c. 72.	*An Act the title of which begins with the words,*—An Act to authorise advances of money,—*and ends with the words,*—Labouring Classes Dwellings Act, 1866.

Session and Chapter.	Title or Short Title.
30 & 31 Vict. c. 32.	*An Act the title of which begins with the words,*—An Act to authorise,—*and ends with the words,*—advances for public works.
35 & 36 Vict. c. 71.	Public Works Loan Commissioners Act, 1872.
36 & 37 Vict. c. 49.	An Act to authorise advances to the Public Works Loan Commissioners for enabling them to make loans to school boards, in pursuance of the Elementary Education Act, 1870, and to sanitary authorities, in pursuance of the Public Health Act, 1872.

CHAPTER 90.

An Act to enlarge the powers of County Courts in respect of disputes between Employers and Workmen, and to give other Courts a limited civil jurisdiction in respect of such disputes.

[13th August 1875.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

Short title.

1. This Act may be cited as the Employers and Workmen Act, 1875.

Commencement of Act.

2. This Act, except so far as it authorises any rules to be made or other thing to be done at any time after the passing of this Act, shall come into operation on the first day of September one thousand eight hundred and seventy-five.

PART I.

Jurisdiction—Jurisdiction of County Court.

Power of county court as to ordering of payment of money, set-off, and rescission of contract and taking security.

3. In any proceeding before a county court in relation to any dispute between an employer and a workman arising out of or incidental to their relation as such (which dispute is herein-after referred to as a dispute under this Act) the court may, in addition to any jurisdiction it might have exercised if this Act had not passed, exercise all or any of the following powers; that is to say,

(1.) It may adjust and set off the one against the other all such claims on the part either of the employer or of the workman, arising out of or incidental to the relation between them, as the court may find to

be subsisting, whether such claims are liquidated or unliquidated, and are for wages, damages, or otherwise; and,

(2.) If, having regard to all the circumstances of the case, it thinks it just to do so, it may rescind any contract between the employer and the workman upon such terms as to the apportionment of wages or other sums due thereunder, and as to the payment of wages or damages, or other sums due, as it thinks just; and,

(3.) Where the court might otherwise award damages for any breach of contract it may, if the defendant be willing to give security to the satisfaction of the court for the performance by him of so much of his contract as remains unperformed, with the consent of the plaintiff, accept such security, and order performance of the contract accordingly, in place either of the whole of the damages which would otherwise have been awarded, or some part of such damages.

The security shall be an undertaking by the defendant and one or more surety or sureties that the defendant will perform his contract, subject on non-performance to the payment of a sum to be specified in the undertaking.

Any sum paid by a surety on behalf of a defendant in respect of a security under this Act, together with all costs incurred by such surety in respect of such security, shall be deemed to be a debt due to him from the defendant; and where such security has been given in or under the direction of a court of summary jurisdiction, that court may order payment to the surety of the sum which has so become due to him from the defendant.

Court of Summary Jurisdiction.

Jurisdiction of justices in disputes between employers and workmen.

4. A dispute under this Act between an employer and a workman may be heard and determined by a court of summary jurisdiction, and such court, for the purposes of this Act, shall be deemed to be a court of civil jurisdiction, and in a proceeding in relation to any such dispute the court may order payment of any sum which it may find to be due as wages, or damages, or otherwise, and may exercise all or any of the powers by this Act conferred on a county court: Provided that in any proceeding in relation to any such dispute the court of summary jurisdiction—

(1.) Shall not exercise any jurisdiction where the amount claimed exceeds ten pounds; and

(2.) Shall not make an order for the payment of any sum exceeding ten pounds, exclusive of the costs incurred in the case; and

(3.) Shall not require security to an amount exceeding ten pounds from any defendant or his surety or sureties.

Jurisdiction of justices in disputes between masters and apprentices.

5. Any dispute between an apprentice to whom this Act applies and his master, arising out of or incidental to their relation as such, (which dispute is herein-after referred to as a dispute under this Act,) may be heard and determined by a court of summary jurisdiction.

Powers of justices in respect of apprentices.

6. In a proceeding before a court of summary jurisdiction in relation to a dispute under this Act between a master and an apprentice, the court shall have the same powers as if the dispute were between an employer and a workman, and the master were the employer and the apprentice the workman, and the instrument of apprenticeship a contract between an employer and a workman, and shall also have the following powers:

(1.) It may make an order directing the apprentice to perform his duties under the apprenticeship; and

(2.) If it rescinds the instrument of apprenticeship it may if it thinks it just so to do, order the whole or an part of the premium paid on the binding of th apprentice to be repaid.

Where an order is made directing an apprentice to perform his duties under the apprenticeship, the court may, from time to time, if satisfied after the expiration of not less than one month from the date of the order that the apprentice has failed to comply therewith, order him to be imprisoned for a period not exceeding fourteen days.

Order against surety of apprentice, and power to friend of apprentice to give security.

7. In a proceeding before a court of summary jurisdiction in relation to a dispute under this Act between a master and an apprentice, if there is any person liable, under the instrument of apprenticeship, for the good conduct of the apprentice, that person may, if the court so direct, be summoned in like manner as if he were the defendant in such proceeding to attend on the hearing of the proceeding, and the court may, in addition to or in substitution for any order which the court is authorised to make against the apprentice, order the person so summoned to pay damages for any breach of the contract of apprenticeship to an amount not exceeding the limit (if any) to which he is liable under the instrument of apprenticeship.

The court may, if the person so summoned, or any other person, is willing to give security to the satisfaction of the court for the performance by the apprentice of his contract of apprenticeship, accept such security instead of or in mitigation of any punishment which it is authorised to inflict upon the apprentice.

PART II.

Procedure.

Mode of giving security.

8. A person may give security under this Act in a county court or court of summary jurisdiction by an oral or written acknowledgment in or under the direction of the court of the

undertaking or condition by which and the sum for which he is bound, in such manner and form as may be prescribed by any rule for the time being in force, and in any case where security is so given, the court in or under the direction of which it is given may order payment of any sum which may become due in pursuance of such security.

The Lord Chancellor may at any time after the passing of this Act, and from time to time make, and when made, rescind, alter, and add to, rules with respect to giving security under this Act.

Summary proceedings.

9. Any dispute or matter in respect of which jurisdiction is given by this Act to a court of summary jurisdiction shall be deemed to be a matter on which that court has authority by law to make an order on complaint in pursuance of the Summary Jurisdiction Act, but shall not be deemed to be a criminal proceeding; and all powers by this Act conferred on a court of summary jurisdiction shall be deemed to be in addition to and not in derogation of any powers conferred on it by the Summary Jurisdiction Act, except that a warrant shall not be issued under that Act for apprehending any person other than an apprentice for failing to appear to answer a complaint in any proceeding under this Act, and that an order made by a court of summary jurisdiction under this Act for the payment of any money shall not be enforced by imprisonment except in the manner and under the conditions by this Act provided; and no goods or chattels shall be taken under a distress ordered by a court of summary jurisdiction which might not be taken under an execution issued by a county court.

A court of summary jurisdiction may direct any sum of money, for the payment of which it makes an order under this Act, to be paid by instalments, and may from time to time rescind or vary such order.

Any sum payable by any person under the order of a court of summary jurisdiction in pursuance of this Act, shall be deemed to be a debt due from him in pursuance of a judgment of a competent court within the meaning of the fifth section of the Debtors Act, 1869, and may be enforced accordingly; and as regards any such debt a court of summary jurisdiction shall be deemed to be a court within the meaning of the said section.

The Lord Chancellor may at any time after the passing of this Act, and from time to time make, and when made, rescind, alter, and add to, rules for carrying into effect the jurisdiction by this Act given to a court of summary jurisdiction, and in particular for the purpose of regulating the costs of any proceedings in a court of summary jurisdiction, with power to provide that the same shall not exceed the costs which would in a similar case be incurred in a county court, and any rules so made in so far as they relate to the exercise of jurisdiction

under the said fifth section of the Debtors Act, 1869, shall be deemed to be prescribed rules within the meaning of the said section.

PART III.

Definitions and Miscellaneous.

Definitions.

Definitions: "Workman:"

10. In this Act—

The expression "workman" does not include a domestic or menial servant, but save as aforesaid, means any person who, being a labourer, servant in husbandry, journeyman, artificer, handicraftsman, miner, or otherwise engaged in manual labour, whether under the age of twenty-one years or above that age, has entered into or works under a contract with an employer, whether the contract be made before or after the passing of this Act, be express or implied, oral or in writing, and be a contract of service or a contract personally to execute any work or labour.

"The Summary Jurisdiction Act."

The expression "the Summary Jurisdiction Act" means the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled "An "Act to facilitate the performance of the duties of Justices of "the Peace out of sessions within England and Wales with "respect to summary convictions and orders," inclusive of any Acts amending the same.

The expression "court of summary jurisdiction" means—

(1.) As respects the city of London, the Lord Mayor or any alderman of the said city sitting at the Mansion House or Guildhall justice room; and

(2.) As respects any police court division in the metropolitan police district, any metropolitan police magistrate sitting at the police court for that division; and

(3.) As respects any city, town, liberty, borough, place, or district for which a stipendiary magistrate is for the time being acting, such stipendiary magistrate sitting at a police court or other place appointed in that behalf; and

(4.) Elsewhere any justice or justices of the peace to whom jurisdiction is given by the Summary Jurisdiction Act: Provided that, as respects any case within the cognizance of such justice or justices as last aforesaid, a complaint under this Act shall be heard and determined and an order for imprisonment made by two or more justices of the peace in petty sessions sitting at some place appointed for holding petty sessions.

Nothing in this section contained shall restrict the jurisdiction of the Lord Mayor or any alderman of the city of

London, or of any metropolitan police or stipendiary magistrate in respect of any act or jurisdiction which may now be done or exercised by him out of court.

11. In the case of a child, young person, or woman subject to the provisions of the Factory Acts, 1833 to 1874, any forfeiture on the ground of absence or leaving work shall not be deducted from or set off against a claim for wages or other sum due for work done before such absence or leaving work, except to the amount of the damage (if any) which the employer may have sustained by reason of such absence or leaving work. **Set off in case of factory workers.**

Application.

12. This Act in so far as it relates to apprentices shall apply only to an apprentice to the business of a workman as defined by this Act upon whose binding either no premium is paid, or the premium (if any) paid does not exceed twenty-five pounds, and to an apprentice bound under the provisions of the Acts relating to the relief of the poor. **Application to apprentices.**

Saving Clause.

13. Nothing in this Act shall take away or abridge any local or special jurisdiction touching apprentices. **Saving of special jurisdiction, and seamen.**

This Act shall not apply to seamen or to apprentices to the sea service.

PART IV.

Application of Act to Scotland.

14. This Act shall extend to Scotland, with the modifications following; that is to say, **Application to Scotland.**

In this Act with respect to Scotland— **Definitions.**

The expression "county court" means the ordinary sheriff court of the county:

The expression "the court of summary jurisdiction" means the small debt court of the sheriff of the county:

The expression "sheriff" includes sheriff substitute:

The expression "instrument of apprenticeship" means indenture:

The expression "plaintiff" or "complainant" means pursuer or complainer:

The expression "defendant" includes defender or respondent:

The expression "the Summary Jurisdiction Act" means the Act of the seventh year of the reign of His Majesty King William the Fourth and the first year of the reign of Her present Majesty, chapter forty-one, intituled "An Act for the more effectual recovery of small "debts in the Sheriff Courts, and for regulating the "establishment of circuit courts for the trial of small

"debt causes by the sheriffs in Scotland," and the Acts amending the same.

The expression "surety" means cautioner:

This Act shall be read and construed, as if for the expression "the Lord Chancellor," wherever it occurs therein, the expression "the Court of Session by act of sederunt" were substituted.

All jurisdictions, powers, and authorities necessary for the purposes of this Act are hereby conferred on sheriffs in their ordinary or small debt courts, as the case may be, who shall have full power to make any order on any summons, petition, complaint, or other proceeding under this Act, that any county court or court of summary jurisdiction is empowered to make on any complaint or other proceeding under this Act.

Any decree or order pronounced or made by a sheriff under this Act shall be enforced in the same manner and under the same conditions in and under which a decree or order pronounced or made by him in his ordinary or small debt court, as the case may be, is enforced.

PART V.

Application of Act to Ireland.

Application to Ireland.

15. This Act shall extend to Ireland, with the modifications following; that is to say,

The expression "county court" shall be construed to mean civil bill court:

The expression "Lord Chancellor" shall be construed to mean the Lord Chancellor of Ireland:

The expression "The Summary Jurisdiction Act" shall be construed to mean, as regards the police district of Dublin metropolis, the Acts regulating the powers and duties of justices of the peace for such district, and elsewhere in Ireland, the Petty Sessions (Ireland) Act, 1851, and any Acts amending the same:

The expression "court of summary jurisdiction" shall be construed to mean any justice or justices of the peace or other magistrate to whom jurisdiction is given by the Summary Jurisdiction Act:

The court of summary jurisdiction, when hearing and determining complaints under this Act, shall in the police district of Dublin metropolis be constituted of one or more of the divisional justices of the said district, and elsewhere in Ireland of two or more justices of the peace in petty sessions sitting at a place appointed for holding petty sessions:

The expression "fifth section of the Debtors Act, 1869," shall be construed to mean "sixth section of Debtors Act (Ireland), 1872."

CHAPTER 91.

An Act to establish a Register of Trade Marks.

[13th August 1875.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Registration of trade marks.

1. A register of trade marks as defined by this Act, and of the proprietors thereof, shall be established under the superintendence of the Commissioners of Patents, and from and after the first day of July one thousand eight hundred and seventy-six a person shall not be entitled to institute any proceeding to prevent the infringement of any trade mark as defined by this Act until and unless such trade mark is registered in pursuance of this Act.

Characteristics of registered trade mark.

2. A trade mark must be registered as belonging to particular goods, or classes of goods; and when registered shall be assigned and transmitted only in connexion with the goodwill of the business concerned in such particular goods or classes of goods, and shall be determinable with such goodwill, but subject as aforesaid registration of a trade mark shall be deemed to be equivalent to public use of such mark.

Title of first proprietor of a trade mark.

3. The registration of a person as first proprietor of a trade mark shall be primâ facie evidence of his right to the exclusive use of such trade mark, and shall, after the expiration of five years from the date of such registration, be conclusive evidence of his right to the exclusive use of such trade mark, subject to the provisions of this Act as to its connexion with the goodwill of a business.

Title of proprietor claiming by transmitted proprietorship.

4. Every proprietor registered in respect to a trade mark subsequently to the first registered proprietor shall, as respects his title to that trade mark, stand in the same position as if his title were a continuation of the title of the first registered proprietor.

Rectification of register.

5. If the name of any person who is not for the time being entitled to the exclusive use of a trade mark in accordance with this Act, or otherwise in accordance with law, is entered on the register of trade marks as a proprietor of such trade mark, or if the registrar refuses to enter on the register as proprietor of a trade mark the name of any person who is for the time being entitled to the exclusive use of such trade mark in accordance with this Act, or otherwise in accordance with law, or if any mark is registered as a trade mark which is not authorised to be so registered under this Act, any person aggrieved may apply in the prescribed manner for an order of the court that the register may be rectified; and the court may either refuse such application, or it may, if satisfied of the

justice of the case, make an order for the rectification of the register, and may award damages to the party aggrieved.

Where each of several persons claims to be registered as proprietor of the same trade mark, the registrar may refuse to comply with the claims of any of such persons until their rights have been determined by the court, and the registrar may himself submit or require the claimants to submit in the prescribed manner their rights to the court.

The court may, in any proceeding under this section, decide any question as to whether a mark is or is not such a trade mark as is authorised to be registered under this Act, also any question relating to the right of any person who is party to such proceeding to have his name entered on the register of trade marks, or to have the name of some other person removed from such register, also any other question that it may be necessary or expedient to decide for the rectification of the register.

The court may direct an issue to be tried for the decision of any question of fact which may require to be decided for the purposes of this section.

Whenever any order has been made rectifying the register the court shall by its order direct that due notice of such rectification be given to the registrar.

Restrictions on registry of trade marks.

6. The registrar shall not, without the special leave of the court, to be given in the prescribed manner, register in respect of the same goods or classes of goods a trade mark identical with one which is already registered with respect to such goods or classes of goods, and the registrar shall not register with respect to the same goods or classes of goods a trade mark so nearly resembling a trade mark already on the register with respect to such goods or classes of goods as to be calculated to deceive.

It shall not be lawful to register as part of or in combination with a trade mark any words the exclusive use of which would not, by reason of their being calculated to deceive or otherwise, be deemed entitled to protection in a court of equity; or any scandalous designs.

Establishment of registry and general rules.

7. Subject as aforesaid, a register office shall be established from and after such time (not being later than the first day of January one thousand eight hundred and seventy-six), in such manner and with such officers, and at such salaries, to be paid out of moneys provided by Parliament, as the Lord Chancellor may, with the consent of the Treasury, direct; and the Lord Chancellor may from time to time, with the assent of the Treasury as to fees, make, and, when made, alter, annul, or vary, such general rules as to the registry of trade marks, and as to notices to be given by advertisement before the registration of trade marks, and as to the classification of goods for the purposes of this Act, and as to the registration of first

and subsequent proprietors of trade marks, and as to the fees to be charged for registration, and also for the continuance of a trade mark on the register or otherwise, and as to the removal from the register of any trade mark, as to notices, and as to the persons entitled to inspect the register, and as to any proceedings to be taken to obtain the judgment or leave of the court in any matter in which the judgment or leave of the court is required to be obtained under this Act, and generally for the purpose of carrying into effect this Act, as he may deem expedient.

Any rules made in pursuance of this section shall be laid before both Houses of Parliament if Parliament be then sitting, or if not then sitting, then within ten days from the then next assembling of Parliament, and shall be of the same validity as if they had been enacted by Parliament; provided that if either House of Parliament resolve, within one month after such rules have been laid before such House, that any of such rules ought not to continue in force, any rule in respect of which such resolution has been passed shall, after the date of such resolution, cease to be of any force, without prejudice, nevertheless, to the making of any other rule in its place, or to anything done in pursuance of any such rules before the date of such resolution.

Certificate of registrar to be evidence.

8. The certificate of the registrar as to any entry, matter, or thing which he is authorised by this Act, or any general rules made thereunder, to make or do, shall be evidence of such entry having been made, and of the contents thereof, and of such matters and things having been done or left undone.

Provision as to Cutlers Company and Sheffield corporate marks.

9. With respect to the master, wardens, searchers, assistants and commonalty of the Company of Cutlers in Hallamshire, in the county of York (in this Act called "the Cutlers Company"), and the marks or devices (in this Act called "Sheffield corporate marks") assigned or to be assigned by the master, wardens, searchers, and assistants of that company, be it enacted as follows:

(1.) Within the prescribed time and in the prescribed manner the Cutlers Company shall at their own expense deliver to the registrar under this Act copies of all Sheffield corporate marks in force at the time of such delivery:

(2.) When any person, after the passing of this Act, applies to the said master, wardens, searchers, and assistants to assign to him any mark or device, notice of such application, with a copy of such mark or device, shall, within the prescribed time and in the prescribed manner, be delivered to the registrar under this Act; and such mark or device shall not be assigned until after the expiration of the prescribed

period from the giving of such notice. In like manner, when any person applies for the registration under this Act of a trade mark as belonging to any goods or class of goods specified in section two of the Cutlers Company's Act of 1860, notice of such application, with a copy of such trade mark, shall, within the prescribed time and in the prescribed manner, be delivered to the Cutlers Company; and such trade mark shall not be registered until after the expiration of the prescribed period from the giving of the last-mentioned notice:

(3.) Upon the assigning of any such mark or device, or the registration of any such trade mark as aforesaid, notice of the assignment or registration shall, within the prescribed time and in the prescribed manner, be given to the registrar under this Act, or to the Cutlers Company, as the case may be:

(4.) The registrar under this Act, without the special leave of the court, to be given only in cases where the applicant proves his right, shall not in respect of any goods or classes of goods with respect to which a Sheffield corporate mark shall have been assigned and actually used, and of which mark a copy or description or notice of the assigning whereof shall have been delivered or given to the registrar as aforesaid, register a trade mark identical with such Sheffield corporate mark, or so nearly resembling the same as to be calculated to deceive:

(5.) The master, wardens, searchers, and assistants of the Cutlers Company shall not assign to any person a mark or device identical with any trade mark registered under this Act, and notice of the registration whereof shall have been given to the Cutlers Company as aforesaid, or so nearly resembling the same as to be calculated to deceive:

(6.) Any person to whom a Sheffield corporate mark legally belongs shall be entitled to have the same mark registered also as a trade mark under this Act, in respect of any particular goods or classes of goods, in the same manner and upon the same terms and conditions in and upon which he might have registered the same if it were not a Sheffield corporate mark:

(7.) Nothing in this Act shall prejudice or affect the rights and privileges of the Cutlers Company, nor, save as is otherwise in this Act expressly provided, shall any of the provisions of this Act apply to or in the case of any Sheffield corporate mark.

10. For the purposes of this Act: Definitions.

A trade mark consists of one or more of the following essential particulars; that is to say,

A name of an individual or firm printed, impressed, or woven in some particular and distinctive manner; or

A written signature or copy of a written signature of an individual or firm; or

A distinctive device, mark, heading, label, or ticket;

and there may be added to any one or more of the said particulars any letters, words, or figures, or combination of letters, words, or figures; also

Any special and distinctive word or words or combination of figures or letters used as a trade mark before the passing of this Act may be registered as such under this Act.

"Prescribed" means prescribed by general rules made in pursuance of this Act; and

"Court" means any of Her Majesty's superior courts of law or equity at Westminster, or any court to which the jurisdiction of such courts may be transferred, or any one or more of such courts which may be declared to be the court for the purposes of this Act by such general rules as aforesaid; but the provisions of this Act conferring a special jurisdiction on the court as above defined shall not, excepting so far as such jurisdiction extends, affect the jurisdiction of any court in Scotland or Ireland in causes, actions, suits, or proceedings relating to trades marks; and if the register requires to be rectified in consequence of any proceedings in any such court in Scotland or Ireland, due notice of such requirements shall be given to the registrar, and he shall rectify the register accordingly.

11. This Act may be cited for all purposes as the Trade Marks Registration Act, 1875. Short title of Act.

CHAPTER 92.

An Act for amending the Law relating to Agricultural Holdings in England. [13th August 1875.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

1. This Act may be cited as the Agricultural Holdings (England) Act, 1875. Short title.

Commencement of Act.

2. This Act shall commence from and immediately after the fourteenth day of February one thousand eight hundred and seventy-six.

Extent of Act

3. This Act shall not extend to Scotland or Ireland.

Interpretation.

4. In this Act—

"Contract of tenancy" means a letting of land for a term of years, or for lives, or for lives and years, or from year to year, or at will:

"Determination of tenancy" means the cesser of a contract of tenancy by reason of effluxion of time, or from any other cause:

"Landlord" means the person for the time being entitled to possession of land subject to a contract of tenancy, or entitled to receipt of rent reserved by a contract of tenancy, whatever be the extent of his interest, and although the land or his interest therein is incumbered or charged by himself or his settlor, or otherwise, to any extent; the party to a contract of tenancy under which land is actually occupied being alone deemed to be the landlord in relation to the actual occupier:

"Tenant" means the holder of land under a contract of tenancy:

"Landlord" or "tenant" includes the agent authorised in writing to act under this Act generally, or for any special purpose, and the executors, administrators, assigns, husband, guardian, committee of the estate, or trustees in bankruptcy, of a landlord or tenant:

"Holding" includes all land held by the same tenant of the same landlord for the same term under the same contract of tenancy:

"Absolute owner" means the owner or person capable of disposing, by appointment or otherwise, of the fee simple or whole interest of or in freehold, copyhold, or leasehold land, although the land or his interest therein is mortgaged, encumbered, or charged to any extent:

"County court," in relation to a holding, means the county court within the district whereof the holding or the larger part thereof is situate:

"Person" includes a body of persons and a corporation aggregate or sole.

The designations of landlord and tenant shall, for the purposes of this Act, continue to apply to the parties to a contract of tenancy until the conclusion of any proceedings taken under this Act on the determination of the tenancy.

Compensation.

5. Where, after the commencement of this Act, a tenant executes on his holding an improvement comprised in either of the three classes following: Tenant's title to compensation.

FIRST CLASS.

Drainage of land. Erection or enlargement of buildings. Laying down of permanent pasture. Making and planting of osier beds. Making of water meadows or works of irrigation. Making of gardens. Making or improving of roads or bridges.	Making or improving of water-courses, ponds, wells, or reservoirs, or of works for supply of water for agricultural or domestic purposes. Making of fences. Planting of hops. Planting of orchards. Reclaiming of waste land. Warping of land.

SECOND CLASS.

Boning of land with undissolved bones. Chalking of land. Clay-burning.	Claying of land. Liming of land. Marling of land.

THIRD CLASS.

Application to land of purchased artificial or other purchased manure.	Consumption on the holding by cattle, sheep, or pigs of cake or other feeding stuff not produced on the holding.

he shall be entitled, subject to the provisions of this Act, to obtain, on the determination of the tenancy, compensation in respect of the improvement.

6. An improvement shall not in any case be deemed, for the purposes of this Act, to continue unexhausted beyond the respective times following after the year of tenancy in which the outlay thereon is made: Time in which improvement exhausted.

Where the improvement is of the first class, the end of twenty years:

Where it is of the second class, the end of seven years:

Where it is of the third class, the end of two years.

7. The amount of the tenant's compensation in respect of an improvement of the first class shall, subject to the provisions of this Act, be the sum laid out by the tenant on the improvement, with a deduction of a proportionate part thereof for each year while the tenancy endures after the year of tenancy in Amount of tenant's compensation in first class.

which the outlay is made and while the improvement continues unexhausted; but so that where the landlord was not, at the time of the consent given to the execution of the improvement, absolute owner of the holding for his own benefit, the amount of the compensation shall not exceed a capital sum fairly representing the addition which the improvement, as far as it continues unexhausted at the determination of the tenancy, then makes to the letting value of the holding.

Amount of tenant's compensation in second class.

8. The amount of the tenant's compensation in respect of an improvement of the second class shall, subject to the provisions of this Act, be the sum properly laid out by the tenant on the improvement, with a deduction of a proportionate part thereof for each year while the tenancy endures after the year of tenancy in which the outlay is made and while the improvement continues unexhausted.

Amount of tenant's compensation in third class.

9. The amount of the tenant's compensation in respect of an improvement of the third class shall, subject to the provisions of this Act, be such proportion of the sum properly laid out by the tenant on the improvement as fairly represents the value thereof at the determination of the tenancy to an incoming tenant.

Consent of landlord for first class.

10. The tenant shall not be entitled to compensation in respect of an improvement of the first class, unless he has executed it with the previous consent in writing of the landlord.

Deduction in first class for want of repair, &c.

11. In the ascertainment of the amount of the tenant's compensation in respect of an improvement of the first class, there shall be taken into account, in reduction thereof, any sum reasonably necessary to be expended for the purpose of putting the same into tenantable repair or good condition.

Notice to landlord for second class.

12. The tenant shall not be entitled to compensation in respect of an improvement of the second class, unless, not more than forty-two and not less than seven days before beginning to execute it, he has given to the landlord notice in writing of his intention to do so, nor where it is executed after the tenant has given or received notice to quit, unless it is executed with the previous consent in writing of the landlord.

Exclusion of compensation in third class after exhausting crop.

13. The tenant shall not be entitled to compensation in respect of an improvement of the third class, where, after the execution thereof, there has been taken from the portion of the holding on which the same was executed, a crop of corn, potatoes, hay, or seed, or any other exhausting crop.

Exclusion of compensation for consumption of cake, &c in certain cases.

14. The tenant shall not be entitled to compensation in respect of an improvement of the third class, consisting in the consumption of cake or other feeding stuff, where, under the custom of the country or an agreement, he is entitled to and

claims payment from the landlord or incoming tenant in respect of the additional value given by that consumption to the manure left on the holding at the determination of the tenancy.

15. In the ascertainment of the amount of compensation in respect of an improvement of the third class,— Restrictions as to third class.

(1.) There shall not be taken into account any larger outlay during the last year of the tenancy than the average amount of the tenant's outlay for like purposes during the three next preceding years of the tenancy, or other less number of years for which the tenancy has endured; and,

(2.) There shall be deducted the value of the manure that would have been produced by the consumption on the holding of any hay, straw, roots, or green crops sold off the holding within the last two years of the tenancy or other less time for which the tenancy has endured, except as far as a proper return of manure to the holding has been made in respect of such produce sold off.

16. The amount of the tenant's compensation shall be subject to the following deductions: Deductions from compensation fo taxes, rent, &c.

(1.) For taxes, rates, and tithe rentcharge due or becoming due in respect of the holding to which the tenant is liable as between him and the landlord:

(2.) For rent due or becoming due in respect of the holding:

(3.) For the landlord's compensation under this Act.

17. In the ascertainment of the amount of the tenant's compensation there shall be taken into account in reduction thereof any benefit which the landlord has given or allowed to the tenant in consideration of the tenant executing the improvement. Set-off of benefit to tenant.

18. Where a landlord commits a breach of covenant or other agreement connected with the contract of tenancy, and the tenant claims under this Act compensation in respect of an improvement, then the tenant shall be entitled to obtain, on the determination of the tenancy, compensation in respect of the breach, subject and according to the provisions of this Act. Tenant's compensation for breach of covenant.

19. Where a tenant commits or permits waste, or commits a breach of a covenant or other agreement connected with the contract of tenancy, and the tenant claims compensation under this Act in respect of an improvement, then the landlord shall be entitled, by counter-claim, but not otherwise, to obtain, on the determination of the tenancy, compensation in respect of the waste or breach, subject and according to the provisions of this Act. Landlord's title to compensation.

But nothing in this section shall enable a landlord to obtain under this Act compensation in respect of waste or a breach committed or permitted in relation to a matter of husbandry more than four years before the determination of the tenancy.

Procedure.

Notice of intended claim.

20. Notwithstanding anything in this Act, a tenant shall not be entitled to compensation under this Act unless one month at least before the determination of the tenancy he gives notice in writing to the landlord of his intention to make a claim for compensation under this Act.

Where a tenant gives such a notice the landlord may, before the determination of the tenancy or within fourteen days thereafter, give a counter-notice in writing to the tenant of his intention to make a claim for compensation under this Act.

Every such notice and counter-notice shall state, as far as reasonably may be, the particulars of the intended claim.

Compensation agreed or settled by reference.

21. The landlord and the tenant may agree on the amount and mode and time of payment of compensation to be paid to the tenant or to the landlord under this Act.

If in any case they do not so agree the difference shall be settled by a reference.

Appointment of referee or referees and umpire.

22. Where there is a reference under this Act, a referee, or two referees and an umpire, shall be appointed as follows:

(1.) If the parties concur, there may be a single referee appointed by them jointly:

(2.) If before award the single referee diès or becomes incapable of acting, or for seven days after notice from the parties, or either of them, requiring him to act, fails to act, the proceedings shall begin afresh, as if no referee had been appointed:

(3.) If the parties do not concur in the appointment of a single referee, each of them shall appoint a referee:

(4.) If before award one of two referees dies or becomes incapable of acting, or for seven days after notice from either party requiring him to act fails to act, the party appointing him shall appoint another referee:

(5.) Notice of every appointment of a referee by either party shall be given to the other party:

(6.) If for fourteen days after notice by one party to the other to appoint a referee, or another referee, the other party fails to do so, then, on the application of the party giving notice, the county court shall within fourteen days appoint a competent and impartial person to be a referee:

(7.) Where two referees are appointed, then (subject to the provisions of this Act) they shall before they enter on the reference appoint an umpire:

(8.) If before award an umpire dies or becomes incapable of acting, the referees shall appoint another umpire:

(9.) If for seven days after request from either party the referees fail to appoint an umpire, or another umpire, then, on the application of either party, the county court shall within fourteen days appoint a competent and impartial person to be the umpire:

(10.) Every appointment, notice, and request under this section shall be in writing.

Requisition for appointment of umpire by Inclosure Commissioners, &c.

23. Provided, that where two referees are appointed, an umpire may be appointed as follows:

(1.) If either party, on appointing a referee, requires, by notice in writing to the other, that the umpire shall be appointed by the Inclosure Commissioners for England and Wales, then the umpire, and any successor to him, shall be appointed, on the application of either party, by those Commissioners:

(2.) In every other case, if either party, on appointing a referee, requires, by notice in writing to the other, that the umpire shall be appointed by the county court, then, unless the other party dissents by notice in writing therefrom, the umpire, and any successor to him, shall, on the application of either party, be so appointed, and in case of such dissent, the umpire, and any successor to him, shall be appointed, on the application of either party, by the Inclosure Commissioners for England and Wales.

Exercise of powers of county court.

24. The powers of the county court under this Act, relative to the appointment of a referee or umpire, shall be exerciseable by the judge of the court having jurisdiction, whether he is without or within his district, and may, by consent of the parties, be exercised by the registrar of the court.

Mode of submission to reference.

25. The delivery to a referee of his appointment shall be deemed a submission to a reference by the party delivering it; and neither party shall have power to revoke a submission, or the appointment of a referee, without the consent of the other.

Power for referee, &c. to require production of documents, administer oaths, &c.

26. The referee or referees or umpire may call for the production of any sample, or voucher or other document, or other evidence which is in the possession or power of either party, or which either party can produce, and which to the referee or referees or umpire seems necessary for determination of the matters referred, and may take the examination of the parties and witnesses on oath, and may administer oaths and take affirmations; and if any person so sworn or affirming wilfully and corruptly gives false evidence he shall be guilty of perjury.

Power to proceed in absence.

27. The referee or referees or umpire may proceed in the absence of either party where the same appears to him or them expedient, after notice given to the parties.

Form of award.

28. The award shall be in writing, signed by the referee or referees or umpire.

Time for award of referee or referees.

29. A single referee shall make his award ready for delivery within twenty-eight days after his appointment.

Two referees shall make their award ready for delivery within twenty-eight days after the appointment of the last appointed of them, or within such extended time (if any) as they from time to time jointly fix by writing under their hands, so that they make their award ready for delivery within a time not exceeding in the whole forty-nine days after the appointment of the last appointed of them.

Reference to and award by umpire.

30. Where two referees are appointed and act, if they fail to make their award ready for delivery within the time aforesaid, then, on the expiration of that time, their authority shall cease, and thereupon the matters referred to them shall stand referred to the umpire.

The umpire shall make his award ready for delivery within twenty-eight days after notice in writing given to him by either party or referee of the reference to him, or within such extended time (if any) as the registrar of the county court from time to time appoints, on the application of the umpire or of either party, made before the expiration of the time appointed by or extended under this section.

Duration of improvement to be found.

31. The award shall find and state the time at which each improvement, in respect whereof compensation is awarded, is taken, for the purposes of the award, to be exhausted.

Award to give particulars.

32. The award shall not award a sum generally for compensation, but shall, as far as reasonably may be, specify —

The several improvements, acts, and things in respect whereof compensation is awarded;

The time at which each thereof was executed, committed, or permitted;

In the case of an improvement of the first class, where the landlord was not at the time of the consent given to the execution thereof absolute owner of the holding for his own benefit, the extent to which the improvement adds to the letting value of the holding;

The sum awarded in respect of each improvement, act, or thing; and

The sum laid out by the tenant on each improvement.

Costs of reference.

33. The costs of and attending the reference, including the remuneration of the referee or referees and umpire, where the umpire has been required to act, and including other proper expenses, shall be borne and paid by the parties in such pro-

portion as to the referee or referees or umpire appears just, regard being had to the reasonableness or unreasonableness of the claim of either party in respect of amount, or otherwise, and to all the circumstances of the case.

The award may direct the payment of the whole or any part of the costs aforesaid by the one party to the other.

The costs aforesaid shall be subject to taxation by the registrar of the county court, on the application of either party, but that taxation shall be subject to review by the judge of the county court.

34. The award shall fix a day, not sooner than one month after the delivery of the award, for the payment of money awarded for compensation, costs, or otherwise. Day for payment.

35. A submission or award shall not be made a rule of any court, or be removable by any process into any court, and an award shall not be questioned otherwise than as provided by this Act. Submission not to be removable, &c.

36. Where the sum claimed for compensation exceeds fifty pounds, either party may, within seven days after delivery of the award, appeal against it to the judge of the county court on all or any of the following grounds: Appeal to county court.

1. That the award is invalid;
2. That compensation has been awarded for improvements, acts, or things, breaches of covenants or agreements, or for committing or permitting waste, in respect of which the party claiming was not entitled to compensation;
3. That compensation has not been awarded for improvements, acts, or things, breaches of covenants or agreements, or for committing or permitting waste, in respect of which the party claiming was entitled to compensation;

and the judge shall hear and determine the appeal, and may, in his discretion, remit the case to be reheard as to the whole or any part thereof by the referee or referees or umpire, with such directions as he may think fit.

If no appeal is so brought, the award shall be final.

The decision of the judge of the county court on appeal shall be final, save that the judge shall, at the request of either party, state a special case on a question of law for the judgment of the High Court of Justice, and the decision of the High Court on the case, and respecting costs and any other matter connected therewith, shall be final, and the judge of the county court shall act thereon.

37. Where any money agreed or awarded or ordered on appeal to be paid for compensation, costs, or otherwise, is not paid within fourteen days after the time when it is agreed or awarded or ordered to be paid, it shall be recoverable, upon order made by the judge of the county court, as money Recovery of compensation.

ordered by a county court under its ordinary jurisdiction to be paid is recoverable.

Appointment of guardian.

38. Where a landlord or tenant is an infant without a guardian, or is of unsound mind, not so found by inquisition, the county court, on the application of any person interested, may appoint a guardian of the infant or person of unsound mind for the purposes of this Act, and may change the guardian if and as occasion requires.

Provisions respecting married women.

39. The county court may appoint a person to act as the next friend of a married woman for the purposes of this Act, and may remove or change that next friend if and as occasion requires.

A married woman entitled for her separate use, and not restrained from anticipation, shall, for the purposes of this Act, be in respect of land as if she was unmarried.

Where any other married woman is desirous of doing any act under this Act, her husband's concurrence shall be requisite, and she shall be examined apart from him by the county court, or by the judge of the county court for the place where she for the time being is, touching her knowledge of the nature and effect of the intended act, and it shall be ascertained that she is acting freely and voluntarily.

Costs in county court.

40. The costs of proceedings in the county court under this Act shall be in the discretion of the court.

The Lord Chancellor may from time to time prescribe a scale of costs for those proceedings, and of costs to be taxed by the registrar of the court.

Service of notice, &c.

41. Any notice, request, demand, or other instrument under this Act may be served on the person to whom it is to be given, either personally or by leaving it for him at his last known place of abode in England, or by sending it through the post in a registered letter addressed to him there; and if so sent by post it shall be deemed to have been served at the time when the letter containing it would be delivered in ordinary course; and in order to prove service by letter it shall be sufficient to prove that the letter was properly addressed and posted, and that it contained the notice, request, demand, or other instrument to be served.

Charge of Tenant's Compensation.

Power for landlord, on paying compensation, to obtain charge.

42. A landlord, on paying to the tenant the amount of compensation due to him under this Act, may obtain from the county court a charge on the holding in respect thereof.

The court shall have power, on proof of the payment, and on being satisfied of the observance in good faith by the parties of the conditions imposed by this Act, to make an order charging the holding with repayment of the amount paid, or any part thereof, with such interest, and by such

instalments, and with such directions for giving effect to the charge, as the court thinks fit.

But, where the landlord obtaining the charge is not absolute owner of the holding for his own benefit, no instalment or interest shall be made payable after the time when the improvement in respect whereof compensation is paid will, for the purposes of this Act, be taken to be exhausted.

The instalments and interest shall be charged in favour of the landlord, his executors, administrators, and assigns.

Advance made by a company for the improvement of land.

43. Any company now or hereafter incorporated by Parliament, and having power to advance money for the improvement of land, may take an assignment of any charge made by a county court under the provisions of this Act, upon such terms and conditions as may be agreed upon between such company and the person entitled to such charge; and such company may assign any charge so acquired by them to any person or persons whomsoever.

Duration of charge.

44. The sum charged by the order of a county court under this Act shall be a charge on the holding for the landlord's interest therein, and for all interests therein subsequent to that of the landlord; but so that the charge shall not extend beyond the landlord's interest where the landlord is himself a tenant of the holding.

Crown and Duchy Lands.

Application of Act to Crown lands.

45. This Act shall extend and apply to land belonging to Her Majesty the Queen, her heirs and successors, in right of the Crown.

With respect to such land, for the purposes of this Act, the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or one of them, or other the proper officer or body having charge of such land for the time being, or in case there is no such officer or body, then such person as Her Majesty, her heirs or successors, may appoint in writing under the Royal Sign Manual, shall represent Her Majesty, her heirs and successors, and shall be deemed to be the landlord.

Any compensation payable under this Act by the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or either of them, in respect of an improvement of the first class, shall be deemed to be payable in respect of an improvement of land within section one of the Crown Lands Act, 1866, and the amount thereof shall be charged and repaid as in that section provided with respect to the costs, charges, and expenses therein mentioned.

Any compensation payable under this Act by those Commissioners, or either of them, in respect of an improvement of the second class, or of the third class, shall be deemed to be part of the expenses of the management of the Land Revenues of the Crown, and shall be payable by those Commissioners out of such money and in such manner as the last-mentioned expenses are by law payable.

Application of Act to land of Duchy of Lancaster.

46. This Act shall extend and apply to land belonging to Her Majesty, her heirs and successors, in right of the Duchy of Lancaster.

With respect to such land, for the purposes of this Act, the Chancellor for the time being of the Duchy shall represent Her Majesty, her heirs and successors, and shall be deemed to be the landlord.

The amount of any compensation payable under this Act by the Chancellor of the Duchy in respect of an improvement of the first class shall be deemed to be an expense incurred in improvement of land belonging to Her Majesty, her heirs or successors, in right of the Duchy, within section twenty-five of the Act of the fifty-seventh year of King George the Third, chapter ninety-seven, and shall be raised and paid as in that section provided with respect to the expenses therein mentioned.

The amount of any compensation payable under this Act by the Chancellor of the Duchy in respect of an improvement of the second class or of the third class shall be paid out of the annual revenues of the Duchy.

The amount of any compensation payable under this Act to the Chancellor of the Duchy shall be paid into the hands of the Receiver General of the revenues of the Duchy, or of sufficient deputy or deputies; and receipts shall be given by him or them for the same; and the same shall be applied as purchase money for land sold under The Duchy of Lancaster Lands Act, 1855, is applicable under section two of that Act.

Application of Act to land of Duchy of Cornwall.

47. This Act shall extend and apply to land belonging to the Duchy of Cornwall.

With respect to such land, for the purposes of this Act, such person as the Duke of Cornwall for the time being, or other the personage for the time being entitled to the revenues and possessions of the Duchy of Cornwall, from time to time, by sign manual, warrant, or otherwise, appoints, shall represent the Duke of Cornwall, or other the personage aforesaid, and be deemed to be the landlord, and may do any act or thing under this Act which a landlord is authorised or required to do thereunder.

Any compensation payable under this Act by the Duke of Cornwall, or other the personage aforesaid, in respect of an improvement of the first class, shall be deemed to be payable in respect of an improvement of land within section eight of The Duchy of Cornwall Management Act, 1863, and the amount thereof may be advanced and paid from the money mentioned in that section, subject to the provision therein made for repayment of sums advanced for improvements.

Ecclesiastical and Charity Lands.

Landlord, archbishop, or bishop.

48. Where lands are assigned or secured as the endowment of a see, the powers by this Act conferred on a landlord shall not be exercised by the archbishop or bishop, in respect of

those lands, except with the previous approval in writing of the Estates Committee of the Ecclesiastical Commissioners for England.

49. Where a landlord is incumbent of an ecclesiastical benefice, the powers by this Act conferred on a landlord shall not be exercised by him in respect of the glebe land or other land belonging to the benefice, except with the previous approval in writing of the Governors of Queen Anne's Bounty (that is, the Governors of the Bounty of Queen Anne for the Augmentation of the Maintenance of the Poor Clergy). Landlord, incumbent of benefice.

In every such case the Governors of Queen Anne's Bounty may, if they think fit, on behalf of the incumbent, out of any money in their hands, pay to the tenant the amount of compensation due to him under this Act; and thereupon they may, instead of the incumbent, obtain from the county court a charge on the holding, in respect thereof, in favour of themselves.

Every such charge shall be effectual, notwithstanding any change of the incumbent.

The Governors of Queen Anne's Bounty, before granting their approval in any case under this section, shall give notice of the application for their approval to the patron of the benefice (that is, the person, officer, or authority who, in case the benefice were then vacant, would be entitled to present thereto).

50. The powers by this Act conferred on a landlord shall not be exercised by trustees for ecclesiastical or charitable purposes except with the previous approval in writing of the Charity Commissioners for England and Wales. Landlord, charity trustees, &c.

Notice to quit.

51. Where a half-year's notice, expiring with a year of tenancy, is by law necessary and sufficient for determination of a tenancy from year to year, a year's notice so expiring shall by virtue of this Act be necessary and sufficient for the same; but nothing in this section shall extend to a case where the tenant is adjudged bankrupt, or has filed a petition for a composition or arrangement with his creditors. Time of notice to quit.

Resumption for Improvements.

52. Where on a tenancy from year to year a notice to quit is given by the landlord with a view to the use of land for any of the following purposes,— Resumption of possession for cottages, &c.

The erection of farm labourers cottages or other houses, with or without gardens;

The providing of gardens for existing farm labourers cottages or other houses;

The allotment for labourers of land for gardens or other purposes;

The planting of trees;

The opening or working of any coal, ironstone, limestone, or other mineral, or of a stone quarry, clay, sand, or gravel pit, or the construction of any works or buildings to be used in connexion therewith;

The obtaining of brick earth, gravel, or sand;

The making of a watercourse or reservoir;

The making of any road, tramroad, siding, canal, or basin, or any wharf, pier, or other work connected therewith;

and the notice to quit so states, then it shall, by virtue of this Act, be no objection to the notice that it relates to part only of the holding.

In every such case the provisions of this Act respecting compensation shall apply as on determination of a tenancy in respect of an entire holding.

The tenant shall also be entitled to a proportionate reduction of rent in respect of the land comprised in the notice to quit, and in respect of any depreciation of the value to him of the residue of the holding, caused by the withdrawal of that land from the holding or by the use to be made thereof; and the amount of that reduction shall be ascertained by agreement or settled by a reference under this Act, as in case of compensation (but without appeal).

The tenant shall further be entitled, at any time within twenty-eight days after service of the notice to quit, to serve on the landlord a notice in writing to the effect that he (the tenant) accepts the same as a notice to quit the entire holding, to take effect at the expiration of the then current year of tenancy; and the notice to quit shall have effect accordingly.

Fixtures.

Tenant's property in fixtures, machinery, &c.

53. Where after the commencement of this Act a tenant affixes to his holding any engine, machinery, or other fixture for which he is not under this Act or otherwise entitled to compensation, and which is not so affixed in pursuance of some obligation in that behalf or instead of some fixture belonging to the landlord, then such fixture shall be the property of and be removable by the tenant:

Provided as follows:—

1. Before the removal of any fixture the tenant shall pay all rent owing by him, and shall perform or satisfy all other his obligations to the landlord in respect of the holding:
2. In the removal of any fixture the tenant shall not do any avoidable damage to any building or other part of the holding:
3. Immediately after the removal of any fixture the tenant shall make good all damage occasioned to any building or other part of the holding by the removal:

4. The tenant shall not remove any fixture without giving one month's previous notice in writing to the landlord of the intention of the tenant to remove it:
5. At any time before the expiration of the notice of removal, the landlord, by notice in writing given by him to the tenant, may elect to purchase any fixture comprised in the notice of removal, and any fixture thus elected to be purchased shall be left by the tenant, and shall become the property of the landlord, who shall pay the tenant the fair value thereof to an incoming tenant of the holding; and any difference as to the value shall be settled by a reference under this Act, as in case of compensation (but without appeal):

But nothing in this section shall apply to a steam engine erected by the tenant if, before erecting it, the tenant has not given to the landlord notice in writing of his intention to do so, or if the landlord, by notice in writing given to the tenant, has objected to the erection thereof.

General Application of Act.

54. Nothing in this Act shall prevent a landlord and tenant, or intending landlord and tenant, from entering into and carrying into effect any such agreement as they think fit, or shall interfere with the operation thereof. **No restriction on contract.**

55. A landlord and tenant, whether the landlord is absolute owner of the holding for his own benefit or not, may, in any agreement in writing relating to the holding, adopt by reference any of the provisions of this Act respecting procedure or any other matter, without adopting all the provisions of this Act; and any provision so adopted shall have effect in connexion with the agreement accordingly. **Adoption of parts of Act by agreement.**

But where, at the time of the making of the agreement, the landlord is not absolute owner of the holding for his own benefit, no charge shall be made on the holding, under this Act, by virtue of the agreement, greater than or different in nature or duration from the charge which might have been made thereon, under this Act, in the absence of the agreement.

56. This Act shall apply to every contract of tenancy beginning after the commencement of this Act, unless, in any case, the landlord and tenant agree in writing, in the contract of tenancy, or otherwise, that this Act, or any part or provision of this Act, shall not apply to the contract; and, in that case, this Act, or the part or provision thereof to which that agreement refers (as the case may be), shall not apply to the contract. **Application of Act to future tenancies.**

57. In any case of a contract of tenancy from year to year or at will, current at the commencement of this Act, this Act shall not apply to the contract, if within two months after the commencement of this Act the landlord or the tenant gives **Application of Act to existing tenancies.**

notice in writing to the other to the effect that he (the person giving the notice) desires that the existing contract of tenancy between them shall remain unaffected by this Act; but such a notice shall be revocable by writing; and in the absence of any such notice, or on revocation of every such notice, this Act shall apply to the contract.

In every other case of a contract of tenancy current at the commencement of this Act, this Act shall not apply to the contract.

Exception of non-agricultural and small holdings.

58. Nothing in this Act shall apply to a holding that is not either wholly agricultural or wholly pastoral, or in part agricultural and as to the residue pastoral, or that is of less extent than two acres.

Exception where other compensation.

59. A tenant shall not be entitled to claim compensation under this Act and under any custom of the country or contract in respect of the same work or thing.

General saving of rights.

60. Except as in this Act expressed, nothing in this Act shall take away, abridge, or prejudicially affect any power, right, or remedy of a landlord, tenant, or other person, vested in or exerciseable by him by virtue of any other Act or law, or under any custom of the country, or otherwise, in respect of a contract of tenancy or other contract, or of any improvement, waste, emblements, tillages, away-going crops, fixtures, tax, rate, tithe, rentcharge, rent, or other thing.

CHAPTER 93.

An Act to amend the Copyright of Designs Acts.

[13th August 1875.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Commencement of Act.

1. This Act shall come into operation on the first day of January one thousand eight hundred and seventy-six, which day is in this Act referred to as the commencement of this Act.

Transfer to Commissioners of Patents of powers and duties of Board of Trade under Copyright of Designs Acts.

2. On and after the commencement of this Act all powers, duties, and authorities vested in, imposed on, or to be exercised by the Board of Trade under the Acts mentioned in the schedule to this Act shall be transferred to, vested in, and imposed on the Commissioners of Patents for Inventions, and the said Acts shall be construed as if the said Commissioners of Patents were throughout substituted for the Board of Trade or the Lords of the Committee of the Privy Council for the consideration of all matters of trade and plantations.

Power for Commissioners to make general rules.

3. The said Commissioners of Patents may from time to time make, and when made revoke and alter general rules for regulating registration under the Acts mentioned in the sche-

dule hereto, and this Act, and on and after the commencement of this Act any discretion or power vested in the registrar under the said Acts shall be subject to the control of the Commissioners of Patents and shall be exercised by him in such manner and with such limitations and restrictions (if any) as may be prescribed by the said general rules, and any provisions contained in the said Acts as to the copies, drawings, prints, descriptions, information, matters, and particulars to be furnished to the registrar prior to registration, and as to the mode in which registration is to be conducted by the registrar, and generally as to any act or thing to be done by the registrar, may be modified by such general rules in such manner as the said Commissioners of Patents may think expedient.

General rules made in pursuance of this section shall be laid before Parliament within one month after they are made if Parliament be then sitting, or if not, within one month after the commencement of the then next session; and if either House of Parliament resolve within one month after such rules have been laid before such House that any of such rules ought not to continue in force, any rule in respect of which such resolution has been passed shall, after the date of such resolution, cease to be of any force, without prejudice nevertheless to the making of any other rule in its place, or to anything done in pursuance of any such rules before the date of such resolution.

Transfer of duties of registrar to officers of Commissioners of Patents.

4. The office of registrar under the Acts mentioned in the schedule to this Act shall cease to exist as a separate paid office, and the Commissioners of Patents may from time to time make arrangements as to the mode in which and the person or persons by whom the duties of registrar and other duties under the said Acts are to be performed, and may from time to time delegate to any such person or persons all or any of the duties of the registrar, and any person or persons to whom such duties may be delegated shall, in so far as such delegation extends, be deemed to be the registrar within the meaning of the said Acts.

Any arrangement or delegation of duties to the clerk or other officer of the Commissioners of Patents made by the Board of Trade shall be as valid as it would have been if this Act had been passed at the date of such arrangement or delegation, and the same had been made by the Commissioners of Patents.

Short title of Acts.

5. Each of the Acts mentioned in the schedule to this Act may be cited as the Copyright of Designs Act of the year in which it was passed, and the said Acts may, together with this Act, be cited as the Copyright of Designs Acts, 1842 to 1875, and this Act may be cited as the Copyright of Designs Act, 1875.

SCHEDULE.

COPYRIGHT OF DESIGNS ACTS.

Session and Chapter.	Title.
5 & 6 Vict. c. 100. -	An Act to consolidate and amend the laws relating to the Copyright of Designs for ornamenting Articles of Manufacture.
6 & 7 Vict. c. 65. -	An Act to amend the laws relating to the Copyright of Designs.
13 & 14 Vict. c. 104.	An Act to extend and amend the Acts relating to the Copyright of Designs.
21 & 22 Vict. c. 70.	An Act to amend the Act of the fifth and sixth years of Her present Majesty to consolidate and amend the laws relating to the Copyright of Designs for ornamenting Articles of Manufacture.
24 & 25 Vict. c. 73.	An Act to amend the law relating to the Copyright of Designs.

CHAPTER 94.

An Act to amend the Law relating to Offences against the Person. [13th August 1875.]

WHEREAS it is expedient to amend the law relating to offences against the person:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as "The Offences against the Person Act, 1875."

Repeal of sections 50 and 51 of 24 & 25 Vict. c. 100.

2. Sections fifty and fifty-one of the Act of the twenty-fourth and twenty-fifth years of the reign of Her Majesty, chapter one hundred, are hereby repealed, except as to anything heretofore duly done thereunder, and except so far as may be necessary for the purpose of supporting and continuing any proceeding taken or of prosecuting or punishing any person for any offence committed before the passing of this Act.

Abusing a girl under twelve years of age.

3. Whosoever shall unlawfully and carnally know and abuse any girl under the age of twelve years shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for life or for any term not less than five years, or to be imprisoned for any term not exceeding two years, with or without hard labour.

4. Whosoever shall unlawfully and carnally know and abuse any girl being above the age of twelve years and under the age of thirteen years, whether with or without her consent, shall be guilty of a misdemeanor, and, being convicted thereof, shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding two years, with or without hard labour.

Abusing a girl above twelve years of age and under thirteen years of age.

5. This Act shall be deemed to be incorporated with the Act of the twenty-fourth and twenty-fifth years of the reign of Her Majesty, chapter one hundred, and shall be construed as if the said Act (except such parts thereof as are repealed or amended by this Act) and this Act were one Act.

This Act to be read with 24 & 25 Vict. c. 100.

6. This Act shall not extend to Scotland.

Extent of Act.

CHAPTER 95.

An Act to amend an Act passed in the session of Parliament held in the thirty-third and thirty-fourth years of the reign of Her present Majesty, chapter one hundred and six, intituled "An Act to amend "the Sanitary Act, 1866, so far as relates to the "City of Dublin." [13th August 1875.]

WHEREAS by an Act passed in the session of Parliament held in the thirty-third and thirty-fourth years of the reign of Her present Majesty, chapter one hundred and six, intituled "An Act to amend the Sanitary Act, 1866, so far "as relates to the city of Dublin" (in this Act referred to as "the Act of 1870"), the Public Works Loan Commissioners were empowered to advance a sum not exceeding three hundred and fifty thousand pounds, on the terms and conditions in the said Act specified, to the town council of the city of Dublin for the purpose of enabling the said town council to purify the River Liffey, and to perfect the main drainage of the said city:

And whereas it is expedient to increase the amount which the said Public Works Loan Commissioners are authorised to advance to the said town council to a sum not exceeding in the whole the sum of five hundred thousand pounds, and to make the advance of all moneys under the authority of the Act of 1870, and of this Act, subject to such terms and conditions as are in this Act contained, and for such purpose to amend the Act of 1870:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Section 1 of 33 & 34 Vict. c. 105 amended

1. Section one of the Act of 1870 shall be read and construed as if, instead of the sum of three hundred and fifty thousand pounds, the sum of five hundred thousand pounds had been thereby specified as the maximum amount which the Public Works Loan Commissioners might advance to the town council of the city of Dublin under the authority of the Act of 1870: Provided always, that no advance shall be made under the authority of the Act of 1870, or of this Act, until the said town council has given such additional security for the repayment of the same as the said Public Works Loan Commissioners may deem to be necessary, and the said town council shall comply with such further terms and conditions with respect to the application and management of such advance, and the execution of the works necessary for the purpose of purifying the said River Liffey and completing the main drainage of the said city of Dublin, as the Commissioners of Her Majesty's Treasury may require and prescribe.

Power to Public Works Loan Commissioners, with consent of Commissioners of Treasury, to alter rate of repayment

2. Notwithstanding the provisions contained in the third section of the Act of 1870, it shall be lawful for the Public Works Loan Commissioners, with the consent of the Commissioners of Her Majesty's Treasury, to require all moneys which shall be advanced under the authority of the Act of 1870, and of this Act, to be repaid within a period not exceeding fifty years after the advance of the same respectively, and in the meantime to require interest to be paid for the same at the rate of three pounds ten shillings per centum per annum, or at such other rate as may in the judgment of the said Commissioners of Her Majesty's Treasury be necessary in order to prevent any loss to the Exchequer by reason of the advance of such moneys.

The provisions of the Act of 1870 with respect to enforcing the repayment of advances shall extend and apply to enforcing the repayment of moneys advanced or made subject to the provisions of this Act, and to enforcing the payment of the interest for the same, when any payment on account of the same respectively shall not be made within thirty days after the same shall be due, in like manner as if the same were advances made subject to the provisions of the Act of 1870.

Construction and short title.

3. This Act shall be construed together with the Act of 1870, and the said Act and this Act may be cited together as "The Sanitary Law (Dublin) Amendment Acts, 1870 to 1875."

CHAPTER 96.

An Act to provide for additional payments to Teachers of National Schools in Ireland. [13th August 1875.]

WHEREAS it is expedient to enable boards of guardians throughout Ireland to contribute towards increasing

the remuneration of the teachers of national schools in their respective unions out of the rates for the relief of the destitute poor:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

1. This Act may be cited for all purposes as "The National School Teachers (Ireland) Act, 1875." Short title.

2. In construing this Act the following expressions shall have the meanings hereby assigned to them; that is to say, Interpretation of terms.

The expression "the Commissioners of Education" shall mean "the Commissioners of National Education in "Ireland."

The expression "the Local Government Board" shall mean the Local Government Board for Ireland.

The expression "financial year" shall mean the period of time between the first day of April in any year and the first day of April in the next following year.

The expression "the guardians," with respect to any poor law union, shall mean the board of guardians for such poor law union.

The expression "union" shall mean a poor law union.

The expression "contributory union" shall mean a union contributing to the payment of fees to teachers of national schools in such union in accordance with the provisions of this Act.

The expression "results fees" shall mean "fees payable in "a contributory union to teachers of national schools "other than poor law union national schools in respect of "the results ascertained to have been effected in their "respective schools."

3. The Commissioners of Education shall each year, together with their estimate for the next financial year, transmit to the Commissioners of Her Majesty's Treasury a statement showing the scale upon which the amount required for the payment of results fees has been calculated; and the scale upon which such estimate as approved by the Commissioners of Her Majesty's Treasury has been calculated shall remain in force to the end of such financial year, without any alteration tending to increase the total amount estimated for results fees in such financial year. Commissioners of Education, together with annual estimate, to transmit to Treasury scale of results fees.

4. The Local Government Board shall, on or before the first day of September in the year one thousand eight hundred and seventy-five, transmit to the guardians of each union in Ireland a notice requiring them within forty days after the receipt thereof to inform the Local Government Board whether, Local Government Board to give notice to guardians inquiring whether they are

willing to become a contributory union.

for the purpose of increasing the remuneration of the teachers of national schools within such union, they are willing to become a contributory union within the meaning of this Act; and the Local Government Board shall, on or before the first day of January in the year one thousand eight hundred and seventy-six, and in every subsequent year, transmit a notice to the like effect to the guardians of every union which shall not at such time be a contributory union.

Any guardians may resolve that their union shal contribute to results fees.

5. The guardians for any union duly assembled after fourteen days notice has been given in the manner required by the regulations of the Local Government Board may, by the votes of a majority of their number, resolve that such union shall in each financial year contribute out of the rates for the relief of the destitute poor a sum equal to one third of the full amount which shall upon the passing of such resolution become payable in such year by way of results fees in respect of pupils attending the national schools in such union, and such union shall thereupon become liable to the payment of such contribution out of such rates as aforesaid and be a contributory union.

Certificate of resolution of guardians to be sent to Commissioners and to Local Government Board, and to be conclusive evidence of such resolution.

6. When such resolution has been passed by the guardians of any union a copy of the same signed by the chairman of such guardians and the clerk of such union shall be sent to the Commissioners of Education and to the Local Government Board, and shall, for the purposes of this Act, be conclusive evidence that such resolution was in every respect duly passed; and every such resolution shall continue in force, and the union to which the same relates shall continue to be a contributory union until the expiration of one year after the first day of April next after the passing of such resolution and thereafter until such resolution shall be rescinded: Provided always, that any such resolution may be rescinded by the vote of a majority of the guardians duly assembled after one month's notice, and if so rescinded notice thereof shall be sent by the clerk of the union to the Commissioners of Education and to the Local Government Board, and from and after the first day of April next after such rescinding the union to which such resolution related shall cease to be a contributory union, but may again become a contributory union in manner by this Act provided.

Commissioners of Education to certify the sum required to Local Government Board

7. The Commissioners of Education shall before the first day of November in the year one thousand eight hundred and seventy-five transmit to the Local Government Board an estimate of the full amount payable as results fees in respect of pupils attending the national schools in each contributory union by the Commissioners of Education during the financial year ending on the thirty-first day of March one thousand eight hundred and seventy-six, and shall before the first day of April in the year one thousand eight hundred and seventy-

six and each subsequent year transmit to the Local Government Board an estimate of the full amount payable as results fees in respect of pupils attending the national schools in each contributory union by the Commissioners of Education in the financial year commencing with such first day of April, and shall require the Local Government Board in the year one thousand eight hundred and seventy-five, and in every subsequent year, to provide a sum equal to one third of such full amount; and the said Local Government Board shall thereafter provide such sum in the manner by this Act prescribed.

Local Government Board to assess the sum required in each contributory union, and to make order for the levy thereof.

8. Upon the receipt of every such estimate the Local Government Board shall by an order under their seal assess upon each contributory union a sum equal to one third of the full amount payable as results fees in respect of pupils attending the national schools in such contributory union, and shall transmit a copy of such order to the guardians and likewise to the treasurer of such contributory union, stating the amount so assessed on such contributory union.

Treasurers of contributory unions to pay over the amount so assessed to Bank of Ireland.

9. Forthwith on the receipt of such order by the treasurer of any contributory union he shall, out of the funds then lying in his hands to the credit of the guardians of such union, or if there shall be then no sufficient assets, out of the moneys next received by him and placed to the credit of such guardians, pay over the amount so assessed on such contributory union to the Bank of Ireland, to be there placed to the credit of the Commissioners of Education to a separate account, to be entitled "The Results Fees Account;" and the guardians of such contributory union shall in their account with the electoral divisions of such contributory union debit each electoral division with its proportion of the said amount according to the net annual value for the time being of the property rateable to the rates for the relief of the destitute poor in each such division.

The Commissioners of Education to distribute the contribution of unions, together with the moneys granted by Parliament.

10. The Commissioners of Education, in the financial year ending on the thirty-first day of March one thousand eight hundred and seventy-six, and in each subsequent financial year, shall, out of the sum so raised in each such year in each contributory union, pay to the teachers of national schools in such contributory union, other than the poor law union national schools, a sum not exceeding one third of the full amount payable to such teachers within that year by way of results fees in respect of pupils attending the national schools within such union.

Disposition of overplus, &c.

11. If in any financial year the sum provided by the Local Government Board in respect of any contributory union exceeds the amount required for the purposes of this Act in such year in respect of such contributory union, such overplus shall be carried to the credit of the next following financial

year, and in such last-mentioned year only such sum shall be raised by assessment on such contributory union as shall be necessary in addition thereto to make up the sum which would in the ordinary course under this Act be required to be provided by the Local Government Board in respect of such contributory union, in such next following financial year.

Provision for teachers of poor law union national schools.

12. The guardians of any union duly assembled after fourteen days notice has been given in the manner required by the regulations of the Local Government Board may, by a majority of their number, resolve that in any year a sum may be given out of the rates for the relief of the destitute poor by way of fees to the teachers of the poor law union national schools in such union, in respect of results ascertained to have been effected in their respective schools, and thereupon the same shall be paid to such teachers by the guardians, on receiving a certificate of the results from the Commissioners of Education: Provided always, that the amount of any such payment shall not exceed the full amount which would be payable under the like circumstances to such teachers of such poor law union national schools if they were teachers of other national schools in such union.

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ADMIRALTY STORES. *See* PUBLIC STORES.

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AGRICULTURAL HOLDINGS:

For amending the Law relating to Agricultural Holdings in England. Ch. 92. page 1027

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Commencement of Act, 14th February 1876; 2.
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To apply a sum out of the Consolidated Fund to the service of the year ending the 31st March 1876, and to appropriate the Supplies granted in this Session of Parliament. Ch. 78. page 897

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ARTIZANS AND LABOURERS DWELLINGS:

For facilitating the Improvement of the Dwellings of the Working Classes in Large Towns. Ch 36. page 255

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Formation of improvement fund for purposes of Act; 21.
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Provision where local authority has no seal; 24.
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ARTIZANS AND LABOURERS DWELLINGS (SCOTLAND):
For facilitating the Improvement of the Dwellings of the Working Classes in large Towns in Scotland. Ch. 49. page 303

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Power of borrowing money for purposes of Act; 21.
Audit of accounts; 22.

Part III.—General Provisions.

Provision where local authority has no seal; 23.
Service of notice on the local authority; 24.
Power of confirming authority as to advertisements and notices; 25–27.
Penalty for obstructing officers in execution of Act; 28.
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BALLOT ACT, 1872. *See* MUNICIPAL ELECTIONS. PARLIAMENTARY ELECTIONS.

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BANKRUPTCY (SCOTLAND):

To amend the Law of Bankruptcy in Scotland. Ch. 26. page 238

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BISHOPS RESIGNATION:

For making perpetual the Bishops Resignation Act, 1869 (32 & 33 Vict. c. 111.). Ch. 19. page 218

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BRIDGES (IRELAND):

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CANADA:

To give effect to an Act of the Parliament of the Dominion of Canada respecting Copyright. Ch. 53. page 338

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COMMON LODGING HOUSES ACTS AMENDMENT. *See* PUBLIC HEALTH.

CONSOLIDATED FUND:

To apply the sum of 882,661*l.* 8*s.* 11*d.* out of the Consolidated Fund to the service of the years ending the 31st March 1874 and 1875. Ch. 1. page 1

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CONSOLIDATED FUND—*continued.*

To apply the sum of 15,000,000*l.* out of the Consolidated Fund to the service of the year ending the 31st day of March 1876. Ch. 10. page 132

To apply a sum out of the Consolidated Fund to the service of the year ending the 31st day of March 1876, and to appropriate the Supplies granted in this Session of Parliament. Ch. 78. page 897

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COPYRIGHT OF DESIGNS:

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COUNTY SURVEYORS (IRELAND):

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CRIMINAL LAW AMENDMENT. *See* CONSPIRACY, &c. FALSIFICATION OF ACCOUNTS. OFFENCES AGAINST THE PERSON. PEACE PRESERVATION (IRELAND).

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DUBLIN JUSTICES:

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EAST INDIA HOME GOVERNMENT APPOINTMENTS:
To amend the Law relating to the appointment of certain persons who entered the employment of the Home Government of India before the 31st December 1874. Ch. 73. page 752
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To amend the Act 29 & 30 Vict. c. 111. relating to the Ecclesiastical Commissioners for England. Ch. 71. page 748
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EDUCATION AND SCHOOLS. *See* ENDOWED SCHOOLS. NATIONAL SCHOOL TEACHERS.

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EMPLOYERS AND WORKMEN:
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ENTAIL (SCOTLAND):
To further amend the Law of Entail in Scotland. Ch. 61. page 558
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Amendment of section 3 of 11 & 12 Vict. c. 36. Consents to disentail estates entailed before 1st August 1848 may be given in course of application, and when such consents are not given, the court may assess the value of the heirs interests and dispense with such consents, on payment or security of such value. In case of nearest heir consent must be given by himself; 5.
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Preliminary.

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APPENDIX.

[*No.* 73. *Price* 2*d.*] 4 D

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1. Tables of Titles of the Local and Private Acts passed during the Session.

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TABLE

OF

The TITLES of the LOCAL and PRIVATE ACTS passed during the Session.

LOCAL ACTS.

The Titles to which the Letter **P.** *is prefixed are Public Acts of a Local Character.*

P. i. AN Act to confirm a Provisional Order under "The Land Drainage Act, 1861," relating to Lay Improvement, situated in the parishes of Westbury-on-Severn, Churcham, and Minsterworth, in the county of Gloucester.

P. ii. An Act to confirm certain Provisional Orders made by the Local Government Board for Ireland relating to the Township of Kingstown and the Town of Galway.

iii. An Act for confirming the re-transfer of Columbia Market by the Mayor and Commonalty and Citizens of the City of London to the Baroness Burdett-Coutts, and for making further provision respecting the maintenance and use of the Market; and for other purposes.

iv. An Act for making better provision respecting the borrowing of Money by the Commissioners of Sewers of the City of London, and the repayment thereof; and for other purposes.

v. An Act for authorising the Corporation of the Royal Infirmary of Edinburgh to apply certain funds to the purposes of their hospital buildings; to construct a new sewer; and for other purposes

vi. An Act for amending an Act passed in the third year of the reign of King William the Fourth, intituled "An Act "for the better establishing and securing a fund for pro-"viding annuities to the widows and children of the "members of the Faculty of Procurators of Glasgow;" for discontinuing the admission of new contributors to the fund; for transferring the fund and its liabilities; and for other purposes.

P. vii. An Act to confirm certain Provisional Orders made by the Education Department under "The Elementary Education Act, 1870," to enable the School Boards for Caister, Norfolk, and Rochford, Essex, to put in force "The Lands Clauses Consolidation Act, 1845," and the Acts amending the same.

P. viii. An Act to confirm a Provisional Order made by the Education Department under "The Elementary Education Act, 1870," to enable the School Board for Brighton to put

in force "The Lands Clauses Consolidation Act, 1845," and the Acts amending the same.

P. ix. An Act for confirming a Provisional Order made under the "Public Health (Scotland) Act, 1867," relating to the parish of Beith in the county of Ayr.

P. x. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Districts of Astley Abbotts, the Borough of Barnstaple, the District of Bicester Market End, the Special Drainage District of Childs Hill, the Districts of Chiswick and Lepton, the Boroughs of Saint Alban and Sheffield, and the District of Slaithwaite.

P. xi. An Act for confirming certain Provisional Orders made by the Board of Trade under The General Pier and Harbour Act, 1861, relating to Bournemouth, Carnlough, Clacton-on-Sea, Folkestone, Hythe (Southampton), and Withernsea.

P. xii. An Act for confirming a Provisional Order made under the "Public Health (Scotland) Act, 1867," relating to the Barony of Fraserburgh in the county of Aberdeen.

xiii. An Act to empower the Heckmondwike Gas Company to alter and extend their existing Works; to construct new Works, and to acquire additional Lands for the same; to raise additional Capital; and for other purposes.

xiv. An Act for empowering the British Gaslight Company, Limited, to enlarge their Works and to expend further Capital at Norwich; and for other purposes.

xv. An Act to amend "The Southampton Docks Act, 1871."

xvi. An Act to authorise Diversions of the Sutherland and Caithness Railway; and for other purposes.

xvii. An Act for authorising the East Norfolk Railway Company to raise further money; for regulating the Capital of the Company; and for extending the time for the purchase of lands for the extension to Cromer; and for other purposes.

xviii. An Act to enlarge the powers of the London, Tilbury, and Southend Railway Company with respect to the providing Steam Communication between their railway and Gravesend.

xix. An Act to confirm an Agreement for the purchase by the Mersey Docks and Harbour Board of certain lands, tenements, and hereditaments from the Mayor, Aldermen, and Burgesses of Liverpool; and for other purposes.

xx. An Act for incorporating "The Cleveland Gas Company," and enabling them to construct Gasworks, and light with Gas Skelton and other places in the North Riding of Yorkshire.

xxi. An Act to enable the Girvan and Portpatrick Junction Railway Company to raise additional Capital, and attach a preference to certain portions of the authorised Capital.

xxii. An Act for empowering the Longton Gas Company to extend their limits of supply; and for other purposes.

xxiii. An Act for the extension of the Tyne Improvement Commission; and for other purposes.

xxiv. An Act to grant further powers to the Crystal Palace Company.

xxv. An Act for making and maintaining a Bridge for carrying the Road from Treorki to Cwm Park, over the River Rhondda Fawr, in the county of Glamorgan.

xxvi. An Act for enabling the Midland and North-eastern Railway Companies to make certain Junction Lines of Railway in connexion with their authorised Railway between Swinton and Knottingley; and for other purposes.

xxvii. An Act to dissolve and re-incorporate the Broadstairs Gaslight and Coke Company, Limited, and to grant them powers to improve their Works and increase their Capital; and for other purposes.

xxviii. An Act to provide for the vesting in the Mayor, Aldermen, and Burgesses of the city of Bristol Saint Philip's Bridge in that city; and for other purposes.

xxix. An Act for empowering the Local Board for the District of Southend in the county of Essex to purchase the Pier there; and for other purposes.

xxx. An Act for conferring further powers on the Eastbourne Waterworks Company for the construction and maintenance of works and otherwise in relation to their undertaking, and for regulating their Share and Loan Capital; and for other purposes.

xxxi. An Act for better supplying the borough of Maidenhead and other places in Berkshire with Water.

xxxii. An Act conferring further powers on the Torbay and Brixham Railway Company.

xxxiii. An Act to authorise the Carmarthen Gas Company to raise additional capital; to confer further powers on them; and for other purposes.

xxxiv. An Act for making provision for facilitating the Manœuvres of Troops to be assembled during the present Summer.

xxxv. An Act for authorising the Bristol Port and Channel Dock Company to raise further money for (amongst other things) the erection or purchase of warehouses, depôts, and other buildings and conveniences in connexion with their Dock; and for other purposes.

xxxvi. An Act for authorising the Water Trust of Greenock to construct further works; to raise further Money; and for amending the provisions of the Acts relating to the Trust; and for other purposes.

xxxvii. An Act to amalgamate the Undertaking of the Portadown, Dungannon, and Omagh Junction Railway Company with that of the Ulster Railway Company; and to confer further powers on the last-named Company with respect to their own Undertaking.

xxxviii. An Act to empower the Local Board for the District of Ashton-in-Makerfield to manufacture Gas, and to supply their District with Gas and Water; and for other purposes.

xxxix. An Act to authorise the Cleethorpes Gas Company to erect additional Works; to raise further Capital; and for other purposes.

xl. An Act for conferring further powers on the Local Board for the District of Hindley, in the county of Lancaster, to purchase Lands and extend their Gasworks; to extend the Time for the Completion of their Waterworks; to amend the Hindley Local Board Act, 1872; to empower the Local Board to raise further Money; and for other purposes.

xli. An Act for better enabling the Mayor, Aldermen, and Citizens of Oxford to supply Oxford and other places with Water.

xlii. An Act to authorise the Local Board for the District of Pemberton to construct Waterworks; and for other purposes.

xliii. An Act to authorise the Pontypridd Waterworks Company to make new Waterworks; to extend their limits of supply; to raise more money; and for other purposes.

xliv. An Act to empower the Company of Proprietors of the Staffordshire and Worcestershire Canal Navigation to convert their Share Capital into Stock, and to create and issue Debenture Stock; and for other purposes.

xlv. An Act for the Abandonment of the Railways authorised by "The Truro and Perran Mineral Railway Act, 1872;" and for other purposes.

xlvi. An Act for varying the Leasing Powers relating to parts of the site of the Metropolitan Cattle Market; and for other purposes.

xlvii. An Act for authorising the Sale of the Gravesend Terrace Pier; and for other purposes.

xlviii. An Act for confirming and giving effect to an Agreement between the Liverpool Tramways Company and the Mayor, Aldermen, and Burgesses of the Borough of Liverpool, with reference to certain Tramways of the Company within the said Borough; and for other purposes.

xlix. An Act to give powers to the Railway Passengers Assurance Company with respect to the application of Profits and declaration of Dividend; and for other purposes.

l. An Act for authorising the Colchester Gas Company to raise additional capital; for increasing the rates, rents, and charges which the Company are now authorised to take; and for other purposes.

li. An Act for granting further powers to the Wye Valley Railway Company, and for other purposes relating to their authorised Undertaking.

lii. An Act to extend the time limited for the compulsory purchase of Lands for so much of the Railway authorised by "The Birmingham and Lichfield Junction Railway Act, 1872," as was not abandoned by "The Birmingham and Lichfield Junction Railway Act, 1874;" and for other purposes.

liii. An Act to enable the Board of Police of Glasgow to make and maintain a new Street in the city of Glasgow, and to confirm an Agreement relative thereto.

liv. An Act to further extend the time for the completion of Stapenhill Bridge at Burton-upon-Trent.

lv. An Act to empower the Plymouth, Devonport, and Stonehouse Cemetery Company to enlarge their Cemetery, and to confer further powers upon them in relation to their Undertaking; and for other purposes.

lvi. An Act to further extend the time for the Purchase of Lands and for the Construction of the Works authorised by "The Lymington Harbour and Docks Act, 1864."

lvii. An Act for conferring further powers upon the London, Tilbury, and Southend Railway Company.

lviii. An Act to effect the Drainage of certain Mines and Mineral Lands in the county of Flint; and for other purposes.

lix. An Act for the establishment of a Fruit, Vegetable, and Flower Market in the City of London, and the extension of the Metropolitan Meat and Poultry Market there, and the abolition of Farringdon Market; and for other purposes.

lx. An Act to authorise the raising of new capital by the Ryde and Newport Railway Company and the Cowes and Newport Railway Company; and for other purposes.

lxi. An Act to enlarge the Powers of the East London Railway Company for the Completion of their Railway, and for the raising of Capital; and for other purposes.

lxii. An Act to authorise the construction of a Bridge across the River Ouse in the city of York, with Approaches thereto, and for raising, lowering, widening, altering, and improving certain streets or thoroughfares and places within the said city; and for other purposes.

lxiii. An Act for better supplying with Water the parish of Worksop in the county of Nottingham; and for other purposes

lxiv. An Act for authorising the Manchester, Sheffield, and Lincolnshire Railway Company to make a new Branch Railway; for conferring upon them additional powers; and for other purposes.

lxv. An Act for the abandonment of the Sandbach and Winsford Junction Railway.

lxvi. An Act to authorise the sale of the Undertaking of the Banbridge Extension Railway Company by the Court of Bankruptcy in Ireland, and for the dissolution of the said Company.

lxvii. An Act to extend the period for the compulsory purchase of Lands by the Ashton-under-Lyne, Stalybridge, and Dukinfield (District) Waterworks Joint Committee; and for other purposes.

lxviii. An Act to provide for the closing of the Baybridge Canal, and the sale of the site thereof; and for other purposes

lxix. An Act for empowering the Local Board for the District of Ossett-cum-Gawthorpe, in the West Riding of the county of York, to make Waterworks and to supply Water, and to make Sewerage Works and Improvements of Streets; and for other purposes

lxx. An Act to authorise the Mayor, Aldermen, and Burgesses of the Borough of Rotherham to raise more money for their Waterworks Undertaking, and to construct a Bridge over the River Dun, and to alter certain of the provisions of "The Rotherham and Kimberworth Local Board of Health Act, 1863," relating to Markets and Fairs; and for other purposes

lxxi. An Act for making provision for the Drainage and Improvement of the marsh, meadow, and other low lands and grounds lying on and near the Rivers Darling and Sow, and for the sale of Deepmoor Common in the Parish of Berkswich, and of Green Common in the Parish of Castle Church, all in the county of Stafford, and for other purposes

lxxii. An Act to provide for the maintaining as an open space, by the Vestry of the Parish of Saint Pancras, of the disused Burial-grounds of the Parishes of Saint Pancras and Saint Giles-in-the-Fields, and other lands and hereditaments near thereto in the said Parish of Saint Pancras, and for other purposes

P. lxxiii. An Act for confirming a Provisional Order made under "The Public Health (Scotland) Act, 1867," relating to the Parish of Cambuslang, in the county of Lanark.

P. lxxiv. An Act to extend the provisions of the Act of the third and fourth years of Her Majesty, Chapter One hundred and thirteen, relating to Minor Canonries, so as to authorise certain arrangements with reference to the Minor Canonries in the Cathedral Church of Saint Paul in London.

P. lxxv. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Districts of Blaydon, Cleator Moor, Fairfield, Goole, and Keighley, and to the Borough of Lancaster.

P. lxxvi. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Districts of Barmouth and Chiswick, the Borough of Harwich, the Districts of Heywood (two), Keighley, Northwich, and Saint Neots, and the Borough of Tiverton

lxxvii. An Act for better supplying with Gas Marlborough and its neighbourhood, in the county of Wilts

lxxviii. An Act for removing difficulties attending the conduct of the business and the exercise of the powers of the Prudential Assurance Company; and for other purposes.

lxxix. An Act to extend the limits of supply of the Bath Gaslight and Coke Company, to enable that Company to raise additional Capital, and to confer further powers upon them; and for other purposes.

lxxx. An Act to enable the Mayor, Aldermen, and Burgesses of the Borough of Bradford, in the West Riding of the county of York, to construct and maintain Reservoirs and Conduits for the Storage and Supply of Water; to construct and maintain Gasworks; to effect Public Improvements; and for other purposes.

lxxxi. An Act for incorporating a Company for supplying with Gas and Water the Townships of Millom Below and Chapel Sucken, in the Parish of Millom, in the county of Cumberland; and for other purposes.

lxxxii. An Act for extending the Boundaries of the Borough of Pontefract, in the West Riding of the County of York, and for transferring the powers of the Pontefract Street Commissioners to the Mayor, Aldermen, and Burgesses of the Borough; and for other purposes.

lxxxiii. An Act for dissolving the Portishead District Waterworks Company (Limited), and for re-incorporating the members thereof with others, and for supplying Water to Portishead and neighbouring parishes and places in the county of Somerset; and for other purposes.

lxxxiv. An Act for better supplying with Water the District of Truro in the county of Cornwall; and for other purposes.

lxxxv. An Act for incorporating the Market Rasen Water Company, and for better supplying with Water the Town of Market Rasen in the county of Lincoln, and the several places adjacent thereto; and for other purposes.

lxxxvi. An Act for further empowering the Tees Conservancy Commissioners, and for amending their Acts; and for other purposes.

lxxxvii. An Act to amend "The Middlesex Industrial Schools Act, 1854."

lxxxviii. An Act for authorising the Local Board for the District of Widnes in the county of Lancaster to extend their Gas and Water Limits; to construct additional Gas and Water Works; to improve their District and raise further Moneys; and for other purposes.

lxxxix. An Act for empowering the Commissioners of Police of the Royal Burgh of Inverness to purchase the Undertaking of the Inverness Gas and Water Company, and to supply the burgh and places adjacent with Water and Gas; and for other purposes.

xc. An Act to confer further powers on the South Devon Railway Company with reference to their own Undertaking and the Undertaking of the Buckfastleigh, Totnes, and South Devon Railway Company; and for other purposes.

xci. An Act for conferring further powers on the Cheshire Lines Committee; and for other purposes.

xcii. An Act for empowering the Leicester Waterworks Company to raise additional Capital; and for other purposes.

xciii. An Act for enabling the North-eastern Railway Company to make new Railways and Works; and for other purposes.

xciv. An Act to extend the time for the completing of certain Waterworks of the Municipal Corporation of Rochdale; to confer further powers on that Corporation for the purposes of those Waterworks and the better Government of the Borough; and for other purposes.

xcv. An Act to authorise the Middlesbrough and Stockton Tramways Company, Limited, to construct additional Tramways in the Borough of Middlesbrough, in the North Riding of the county of York; to extend the time for constructing and completing their authorised works; and for other purposes.

xcvi. An Act for conferring further powers on the London, Brighton, and South Coast Railway Company.

xcvii. An Act for making a diversion of a portion of the Glasgow and Yoker Turnpike Road, in the county of Lanark, and of the Tramway laid down thereon; and for other purposes.

xcviii. An Act to authorise the Brewood and Wolverhampton Railway Company to construct a new Junction with the London and North-western Railway; and for other purposes.

xcix. An Act for enabling the Caledonian and the Glasgow and South-western Railway Companies to make certain Railways in the county of Lanark, and to abandon others in that county and in the county of Ayr in connexion with their Glasgow and Kilmarnock Joint Line; for extending the period for completing another portion of railway connected with that line; and for other purposes.

c. An Act to extend the time for completing the Tay Bridge and Newport Railways; to authorise the North British Railway Company to purchase additional Station Lands, to lay down pipes for Distillery Dreg, &c., to abandon part of their Charleston Branch, to complete the amalgamation of the Devon Valley Railway, to contribute a further sum to the Harbour Works at Burntisland, to establish a Superannuation Fund; and for other purposes.

ci. An Act to confer additional Powers on the Corporation of the Borough of Salford for the Improvement and good Government of the said Borough; and for the laying down of Tramways in and near thereto; and for the raising of further Moneys; and for other purposes.

cii. An Act for enabling the London and North-western Railway Company to construct new Railways from Bletchley to Northampton and Rugby; and for other purposes.

ciii. An Act for conferring further powers upon the Sheffield and Midland Railway Companies Committee, and upon the two Companies represented upon that Committee; and for other purposes.

civ. An Act for supplying the Village of Busby and the district adjoining with Water.

cv. An Act for authorising the construction of new Works and the raising of a further sum of Money by the Hamilton Waterworks Commissioners; for transferring the Hamilton Waterworks from the Commissioners now managing the same to the Magistrates and Town Council of the Burgh of Hamilton; and for other purposes.

cvi. An Act to authorise the Newport Pagnell Railway Company to abandon portions of their Undertaking, and to transfer the remainder thereof to the London and North-western Railway Company; and for other purposes.

cvii. An Act to grant further powers to the Metropolitan Railway Company; and for other purposes.

cviii. An Act for authorising the Governor and Company of Chelsea Waterworks to take water from the River Thames, in the parish of West Moulsey, in the county of Surrey, and to construct additional Works, and to raise further Moneys; and for other purposes.

cix. An Act to enable the Mayor, Aldermen, and Burgesses of the Borough of Cork to remove certain Bridges over the River Lee and to erect new Bridges in lieu thereof; to vest in them the existing Bridges over the said River, situated in said Borough; to enable the Cork Harbour Commissioners to contribute; and for other purposes.

cx. An Act to grant further powers to the Great Northern Railway Company with relation to their own and other Undertakings; and for other purposes.

cxi. An Act for conferring additional powers on the Midland Railway Company for the construction of Works, for the raising of Capital, and for other purposes in relation to their own Undertaking and the Undertakings of other Companies.

cxii. An Act for making a Railway from the Great Western Railway near Swindon to Highworth, all in the county of Wilts, to be called the Swindon and Highworth Light Railway; and for other purposes.

cxiii. An Act for conferring further powers on the Board of Police of Greenock; and for other purposes.

cxiv. An Act for authorising the abandonment of the Railways and Streets authorised by "The London Central Railway Act, 1871;" and for other purposes.

cxv. An Act for rendering valid certain Letters Patent granted to Francis Gerard Prange and William Whitthread for Improvements in the Utilization of Sewage.

P. cxvi. An Act for confirming a Provisional Order made by the Board of Trade under the General Pier and Harbour Act, 1861, relating to Carlingford Lough.

P. cxvii. An Act for confirming certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act, 1861, relating to Brixham, Carrickfergus, Macduff, and Rosehearty.

P. cxviii. An Act to empower the Commissioners of Her Majesty's Woods, Forests, and Land Revenues to convey certain Lands and Premises to the Commissioners of Chelsea Hospital; and for other purposes relating thereto.

P. cxix. An Act to confirm a Provisional Order under "The Drainage and Improvement of Lands (Ireland) Act, 1863," and the Acts amending the same.

P. cxx. An Act to confirm a Provisional Order made by the Local Government Board for Ireland relating to Coleraine.

cxxi. An Act for extending the limits within which the Weardale and Shildon District Waterworks Company may supply Water, and for empowering them to construct additional Works and to raise additional Capital; and for other purposes.

cxxii. An Act to dissolve and reincorporate the Broadstairs Waterworks Company, Limited, and to make further provision for the supply of Water to the parish of Saint Peter the Apostle and Broadstairs, in the Isle of Thanet; and for other purposes.

cxxiii. An Act to authorise the Lord Provost, Magistrates, and Council of the City of Glasgow to construct Tramways in the City of Glasgow and its neighbourhood; and for other purposes.

cxxiv. An Act for conferring further powers on the Great Western Railway Company in relation to their own Undertaking and the Undertakings of other Companies; and for other purposes.

cxxv. An Act for conferring further powers on the Lancashire and Yorkshire Railway Company with relation to their Undertaking.

cxxvi. An Act for extending the boundary of the borough of Southport, in the county of Lancaster; and for other purposes.

cxxvii. An Act to enable the Bristol and Exeter Railway Company to make a new line to Weston-super-Mare; to transfer to that Company the powers of the Exe Valley Railway Company, and to confer further powers upon the Company with respect to their Undertaking and the Undertakings of the Exe Valley and Culm Valley Railway Companies; and for other purposes.

cxxviii. An Act for amending the Edinburgh Tramways Act, 1874, in regard to the lines of Tramways on North Bridge and North Bridge Street, Edinburgh.

cxxix. An Act for conferring on the Cornwall Minerals Railway Company further powers with respect to the Fal Valley and Temple Mineral Railway Companies; and for other purposes.

cxxx. An Act to enable the Dublin, Wicklow, and Wexford Railway Company to acquire additional Lands and to construct Works, and to extend the time for the compulsory Purchase of Lands and completion of certain authorised Works, and other matters relating to their Undertaking.

cxxxi. An Act for dissolving the Alford Gas Company (Limited), for re-incorporating the Proprietors therein with others, and for conferring powers on the Company so to be incorporated; and for other purposes.

cxxxii. An Act to authorise the Belfast Street Tramways Company to construct an additional Street Tramway in the county of Down; and for other purposes.

cxxxiii. An Act for enabling the Caledonian Railway Company to alter the authorised lines of Railway and Viaduct across the River Clyde for connecting their Railways on the south side of Glasgow with their authorised Station in Gordon Street in that city; and for other purposes.

cxxxiv. An Act for authorising the Great Eastern Railway Company to make two Junction Railways at and near Norwich, and various improvements of their Railways and Works, and for conferring on them further powers in relation to their Undertaking and the Undertakings of certain other Companies; and for other purposes.

cxxxv. An Act for authorising the Kilmarnock Water Company to make new Works; to raise additional Capital; and for other purposes.

cxxxvi. An Act to empower the Blackburn Waterworks Company to make and maintain additional Waterworks; to raise further Capital; and for other purposes.

cxxxvii. An Act to provide for the Local Government of the town and further improvement of the town and harbour of Borrowstounness in the county of Linlithgow; and for other purposes.

cxxxviii. An Act to grant further powers to the Cork Harbour Commissioners for the Improvement of the Harbour of Cork.

cxxxix. An Act for authorising the Sale and Transfer of the Undertaking of the Crystal Palace and South London Junction Railway Company to the London, Chatham, and Dover Railway Company; and for other purposes.

cxl. An Act for dissolving and re-incorporating the Longwood Gas Company, and granting powers for supplying with Gas the township of Longwood and certain neighbouring townships and places in the West Riding of the county of York.

cxli. An Act to authorise the Newport (Monmouthshire) Gas Company to construct further Works and to raise additional Capital; and for other purposes.

cxlii. An Act to extend the powers of the Tunbridge Wells Gas Company; and for other purposes.

cxliii. An Act to authorise the construction of a Railway in the county of Stafford from Wednesfield to Wyrley Bank, and for other purposes connected with the said Railway.

cxliv. An Act to empower the Worthing Gaslight and Coke Company to extend their limits of Supply; to raise additional Capital; and for other purposes.

cxlv. An Act for making a Railway and Pier in the county of Suffolk, to be called "The Felixstowe Railway and Pier;" and for other purposes.

cxlvi. An Act for conferring further powers on the Slough Waterworks Company; and for other purposes.

cxlvii. An Act for enabling the Caledonian Railway Company to make certain Railways and Roads, to acquire certain Lands, and to exercise other powers, in the counties of Lanark, Renfrew, Forfar, Perth, Edinburgh, and Cumberland; for converting and consolidating certain classes of their shares and stock; for vesting in them the Undertaking of the Alyth Railway Company; and for other purposes.

cxlviii. An Act to authorise the Midland Great Western Railway of Ireland Company to purchase or lease the Dublin and Meath and Navan and Kingscourt Railways; and for other purposes.

cxlix. An Act for conferring powers on the Marine Aquarium Company, Scarborough (Limited); and for other purposes.

cl. An Act to amend and consolidate the Acts relating to the Harbour of Dundee; to transfer to and vest in the Trustees of the said harbour the lighting and buoying of the River and Firth of Tay; and for other purposes.

cli. An Act to authorise the Kington and Eardisley Railway Company to maintain their Railway between Titley and Eardisley according to its existing line and levels; to raise further Capital; and for other purposes.

clii. An Act for conferring additional powers on the London and North-western Railway Company in relation to their own Undertaking and the Undertakings of other Companies; and for other purposes.

cliii. An Act for authorising the London and Saint Katharine Docks Company to construct an Eastern Extension of their Victoria Dock upon lands part of the Victoria Dock Estate originally acquired by the Victoria (London) Dock Company for that purpose, with a new entrance from the River Thames at Galleons Reach; and for other purposes.

cliv. An Act for conferring further powers on the Plymouth and Dartmoor Railway Company for the construction of

Works and the raising of Moneys, and otherwise in relation to their Undertaking, and for authorising Agreements between them and other Railway Companies; and for other purposes.

clv. An Act for making a Canal and collateral Cut in the county of Essex, to be called "The Romford Canal;" and for other purposes.

clvi. An Act authorising the Lease and Transfer of the Whitby, Redcar, and Middlesborough Union Railway to the North-eastern Railway Company; and for other purposes.

clvii. An Act for amending the European Assurance Society Arbitration Acts, 1872 and 1873.

clviii. An Act to confer further powers on the Waterford and Central Ireland Railway Company and the Kilkenny Junction Railway Company with reference to their separate and joint Undertakings; and for other purposes.

clix. An Act to incorporate the Hull Street Tramway Company, and to authorise the Company to acquire Tramways in the borough of Kingston-upon-Hull; to construct other Tramways; and for other purposes.

clx. An Act to consolidate and amend the Acts relating to the Harbour and Docks of Leith, to authorise the construction of a Wet Dock and other Harbour Works, and for other purposes connected therewith.

clxi. An Act for enabling the Mayor, Aldermen, and Citizens of the City of Manchester, in the county of Lancaster, to extend their Waterworks, and to make Street Improvements; for consolidating the assets and liabilities of the several townships of the city; and for other purposes.

clxii. An Act for enabling the London and North-western and Lancashire and Yorkshire Railway Companies to make new Railways in connexion with the North Union Railway between Euxton and Preston; and for other purposes.

clxiii. An Act for making better provision for the Sewerage, by means of Main Sewers, of parts of the Lathe of Sutton-at-Hone, in the county of Kent; and for other purposes.

clxiv. An Act for authorising the construction of a Railway from Llanelly to Mynydd Mawr, in the county of Carmarthen; for conferring powers on the Carmarthenshire Railway or Tramroad Company; and for other purposes.

clxv. An Act for the construction of a Railway from Tiverton to the Devon and Somerset Railway at or near Morebath, in the county of Devon; and for other purposes.

clxvi. An Act for authorising the London and South-western Railway Company to purchase additional Lands, to construct additional Railways and Works, and to raise further Capital; and for confirming an Agreement between that Company and the Great Western Railway Company and the Lords Commissioners of the Admiralty in respect of a Railway to Portland Breakwater; and for other purposes.

P. clxvii. An Act for confirming certain Provisional Orders made by the Board of Trade under The Tramways Act, 1870, relating to the Bristol and Eastern District Tramways and the Manchester Corporation Tramways.

P. clxviii. An Act to confirm certain Provisional Orders made by the Local Government Board under the Poor Law Amendment Act, 1867, with reference to the city of Oxford, the Parish of Stoke-upon Trent, and the Parishes of Sutton Saint Michael and Sutton Saint Nicholas in the county of Hereford.

P. clxix. An Act for confirming certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act, 1870, relating to Blackburn Gas, Brighton and Hove Gas, Littlehampton Gas, North Bierley Gas, Weymouth Gas, Wolverhampton Gas, Bognor Water, Newington Water, Newport (Isle of Wight) Water, and Bridgend (Glamorganshire) Gas and Water.

P. clxx. An Act to confirm a Provisional Order made by one of Her Majesty's Principal Secretaries of State in pursuance of the Salmon Fishery Act, 1873, relating to the Taw and Torridge Salmon Fishery District.

P. clxxi. An Act for confirming a Provisional Order made under "The General Police and Improvement (Scotland) Act, 1862," relating to the Burgh of Paisley, in the County of Renfrew.

P. clxxii. An Act for transferring to the Ecclesiastical Commissioners for England certain Estates now vested in the Fen Chapel Trustees, and to make the Acts relating to the said Commissioners applicable thereto.

clxxiii. An Act to confirm a Provisional Order made by the Education Department under "The Elementary Education Act, 1870," to enable the School Board for London to put in force "The Lands Clauses Consolidation Act, 1845," and the Acts amending the same.

P. clxxiv. An Act to confirm a Provisional Order made by the Education Department under "The Elementary Education Act, 1870," to enable the School Board for London to put in force "The Lands Clauses Consolidation Act, 1845," and the Acts amending the same.

P. clxxv. An Act to confirm certain Provisional Orders of the Local Government Board relating to the district of Aberdare, the city and borough of Bath, the districts of Bedlingtonshire, the Buntingford Union, the Cockermouth Union, and Cowpen, the borough of Denbigh, the district of Hucknall Torkard, of the Port Sanitary Authority of Liverpool, and the Districts of Newtown and Llanllwchaiarn, Penarth, Teignmouth, West Ham, Windhill (two), and Worthing.

P. clxxvi. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Boroughs of Abingdon, Basingstoke, the Districts of Bethesda, Bognor, Bowness, and Colne and Marsden, the Borough of Derby, the

Districts of Ebbw Vale, Gildersome, Heston and Isleworth, Hitchin, Malvern, Newport (Salop), the Runcorn Union, Sandown, and Thornhill.

P. clxxvii. An Act to amend the Acts relating to Chelsea Bridge.

clxxviii. An Act for effecting the sale and transfer to the Mayor, Aldermen, and Burgesses of the Borough of Birmingham in the county of Warwick, of the Undertakings of the Birmingham Gaslight and Coke Company, and of the Birmingham and Staffordshire Gaslight Company; and for other purposes.

clxxix. An Act for authorising Improvements in and near the Precinct of the Savoy and near Charing Cross with a view to the opening of better communication with the Victoria Embankment, and for conferring powers on the Metropolitan Board of Works with reference to Tooting Graveney Common; and for other purposes.

clxxx. An Act to authorise the Mayor, Aldermen, and Burgesses of the Borough of Oldham in the county palatine of Lancaster to abandon and relinquish the construction of certain of the Reservoirs and other Works authorised by "The Oldham Corporation Waterworks Act, 1870," and to make and maintain other Waterworks; and for other purposes.

clxxxi. An Act to confer upon the South-eastern Railway Company further powers with respect to their own Undertaking, and the Undertakings of certain other Companies; and for other purposes.

clxxxii. An Act for conferring further powers on the West Lancashire Railway Company for the construction of works and the raising of money, and otherwise in relation to their Undertaking.

clxxxiii. An Act for authorising the Teign Valley Railway Company to make an extension of their Railway to the North Devon Railway at Crediton; and to raise further moneys; and for authorising agreements between them and other Railway Companies; and for other purposes.

clxxxiv. An Act for regulating the affairs of the Carmarthen and Cardigan Railway Company; and for other purposes.

clxxxv. An Act for authorising alterations in the design of the authorised works of the Milford Docks Company; and for other purposes.

clxxxvi. An Act to authorise the South Staffordshire Waterworks Company to extend their works and limits of supply; and for other purposes.

clxxxvii. An Act to extend the Borough of Cardiff, in the county of Glamorgan, and to enable the Mayor, Aldermen, and Burgesses thereof to construct new streets and other works; and to purchase the Cardiff Waterworks; and to make further provisions for the improvement of the Borough; and for other purposes.

clxxxviii. An Act for empowering the Mayor, Aldermen, and Burgesses of the Borough of Birmingham, in the county of Warwick, to purchase the Undertaking of the Company of Proprietors of the Birmingham Waterworks; and for other purposes.

clxxxix. An Act for amending and extending the Wigan Junction Railways Act, 1874, for authorising the construction of additional Railways in Lancashire; and for other purposes.

cxc. An Act to empower the Channel Tunnel Company (Limited) to acquire certain lands in the parish of Saint Margaret at Cliffe, in the county of Kent.

cxci. An Act to authorise the Whitehaven, Cleator, and Egremont Railway Company to make a branch to Gilgarran, and a deviation at Frizington, in the county of Cumberland, and other works; to raise further capital; and for other purposes.

cxcii. An Act for rendering valid certain Letters Patent granted to Dugald Campbell for an improved process for the treatment of sewage, and the production of manures therefrom.

P. **cxciii.** An Act to confirm certain Provisional Orders of the Local Government Board relating to the Districts of Leyton and Redditch, and the Borough of Totnes.

P. **cxciv.** An Act to continue certain Turnpike Acts in Great Britain, and to repeal certain other Turnpike Acts; and for other purposes connected therewith.

P. **cxcv.** An Act for regulating the Traffic in the City of Dublin, and certain other parts of the Police District of Dublin Metropolis; and for other purposes relating thereto.

cxcvi. An Act for making a Railway from Ely in the county of Cambridge, to Bury Saint Edmunds in the county of Suffolk; and for other purposes.

cxcvii. An Act for making a Railway from the Midland Great Western Railway of Ireland, near the town of Ballysadare in the county of Sligo, through the counties of Leitrim and Cavan, to the Irish North Western Railway, near the town of Enniskillen in the county of Fermanagh; and for other purposes.

cxcviii. An Act for making better provision for settlement of differences between the Coast Section and the Inland Section of the Cambrian Railways Company; and for other purposes.

cxcix. An Act for enabling the President and Fellows of Sion College, within the City of London, to grant Building and Improving Leases of certain Lands in the said City, and to sell the same Lands and to acquire other Lands, and for carrying into effect an arrangement relating to Sion Hospital; and for other purposes.

cc. An Act for conferring further powers on the Commercial Gas Company, and for the Amalgamation with that Company of the Ratcliff Gaslight and Coke Company; and for other purposes.

cci. An Act for granting further powers to the Galway, Oughterard, and Clifden Railway Company.

ccii. An Act to extend the time granted by "The Metropolitan and South-western Junction Railway Act, 1872," for the purchase of Lands.

cciii. An Act for conferring further powers on the Sevenoaks, Maidstone, and Tunbridge Railway Company; for the purchase of Lands and the raising of Money, and otherwise in relation to their Undertaking; and for other purposes.

cciv. An Act for extending the boundaries of the borough of Barrow-in-Furness, and for empowering the Corporation to construct additional Waterworks and Gasworks; and for defining and extending the powers of the Corporation in relation to the management of Streets, the regulation of Buildings, the improvement of the Borough, and other matters of Local Government; and for other purposes.

ccv. An Act for making Railways from the Great Eastern Railway at Ely to the Great Eastern Railway at Newmarket; and for other purposes.

ccvi. An Act for incorporating the Regent's Canal and Dock Company; for the transfer to them of the Undertaking of the Regent's Canal Company; for authorising the construction of works; for improving and providing additional accommodation in connexion with that Undertaking; and for other purposes.

ccvii. An Act for incorporating a Company, and authorising them to make and maintain a Dock and other works at Sutton Bridge; and for other purposes.

ccviii. An Act enabling the Metropolitan District Railway Company to connect their railway at Hammersmith with the London and South-western Railway; and for other purposes connected with their Undertaking.

ccix. An Act to authorise the construction of Tramways in and near the City of Dublin, and for other purposes.

ccx. An Act for making certain Railways between the Town of Magherafelt in the county of Londonderry, and the Town of Coleraine in the same county; and for other purposes.

P. ccxi. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Boroughs of Abingdon and Barnsley, the District of Bradford (Wilts), the Boroughs of Colchester, Daventry, and Deal, the Evesham Union, the Borough of King's Lynn, the Districts of Kirkby Lonsdale and Leigh, the Mitford and Launditch

Union, the Boroughs of Nottingham, Hastings, and Stafford, the Stockton Union, the Borough of Sudbury, and the District of Todmorden.

ccxii. An Act to incorporate a Company for making a Railway from the Holme and Ramsey Railway at Ramsey, to the Great Eastern Railway at Somersham; and for other purposes.

ccxiii. An Act for making a Railway to connect the Railways on the south side of Dublin; and for other purposes.

ccxiv. An Act for incorporating the Stroud Water Company, and for conferring powers on that Company; and for other purposes.

ccxv. An Act to confer further powers on the Magistrates and Council of the Royal Burgh of Burntisland, with reference to the Harbour of Burntisland; and for other purposes.

PRIVATE ACTS,

PRINTED BY THE QUEEN'S PRINTER,

AND WHEREOF THE PRINTED COPIES MAY BE GIVEN IN EVIDENCE.

1. AN Act to amend and extend the Cornwallis Estate Act, 1870.

2. An Act for authorising the working and granting Leases of the Mines and Minerals under the Settled Estates devised by the Will of Charles Paget, late of Ruddington Grange, in the county of Nottingham, deceased; and for other purposes.

3. An Act to vest in Trustees powers to grant Building and other Leases of, and to sell and exchange the Estates devised by the Will of John Gerard Leigh, Esquire, deceased, and to give other powers to such Trustees for the management and improvement of such Estates; and for other purposes.

4. An Act for extending the powers exercisable by virtue of "The Paddington Estate Act, 1871," and the therein-recited Acts, by the Lessees of the Estate, with the consent of the Ecclesiastical Commissioners for England, of granting Building or Repairing Leases, and of accepting surrenders of existing Leases of four hundred acres, part of the Estate (and of granting new Leases in lieu of the surrendered Leases), by enabling Agreements to be made with the Commissioners for leasing or otherwise dealing with the excess of acreage over the four hundred acres.

5. An Act for authorising the raising of Money on the Security of Estates in the county of Glamorgan, settled by the Will

of the Right Honourable Other Archer, late Earl of Plymouth, deceased, and the Application of the Money for the Improvement of parts of the Estates, in order to render them available as Building Lands; and for extending the Power of granting Mineral Leases conferred by the said Will; and for other purposes.

6. An Act to authorise the sale of certain portions of the Forest of Monar called the Grazings and Shealings of Glenuiack (otherwise Glenuiag) and Pollanbuy, in the county of Ross, being part of the entailed estates now held by Sir Arthur George Ramsay Mackenzie, of Coul, Baronet, and to authorise the purchase of other lands to be entailed; and for other purposes.

7. An Act for amending "Charles Sheils' Almshouses Charity Act, 1864," and "Charles Sheils' Almshouses Charity Act, 1866."

A LIST

OF

THE LOCAL AND PRIVATE ACTS,

(38 & 39 VICT., 1875,)

ARRANGED IN CLASSES

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" 2.—CANALS, RIVERS, NAVIGATIONS, AND TUNNELS.
" 3.—CHARITABLE FOUNDATIONS AND INSTITUTIONS.
" 4.—COUNTY AFFAIRS.
" 5.—DRAINAGES AND EMBANKMENTS.
" 6.—ECCLESIASTICAL AFFAIRS.
" 7.—ESTATES.
" 8.—FISHERIES.
" 9.—GASLIGHT COMPANIES.
" 10.—HARBOURS, DOCKS, PIERS, PORTS, QUAYS, &c.
" 11.—IMPROVEMENTS IN TOWNS, &c.
" 12.—INCLOSURES AND ALLOTMENTS.
" 13.—MARKETS AND FAIRS.
" 14.—PARISH AFFAIRS.
" 15.—PERSONAL AFFAIRS.
" 16.—RAILWAYS AND TRAMWAYS.
" 17.—SMALL DEBTS COURTS, &c.
" 18.—TITHES.
" 19.—TRADING AND OTHER COMPANIES.
" 20.—TURNPIKE AND OTHER ROADS.
" 21.—WATERWORKS.

*** In this List the Local and Private Acts are subdivided into Classes according to the arrangement adopted in the Index to the Statutes compiled by order of the Committee of the Library of the House of Lords, the Parliamentary Short Title of each Act being generally adopted. The full Title will be seen by referring to the Table of Titles at the commencement of the volume.

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Cork (Bridges over the Lee). Ch. cix.
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SHOWING

THE EFFECT OF THE YEAR'S LEGISLATION.

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TABLE B.—Acts of former Sessions (in chronological order) Repealed and Amended by Acts of 38 & 39 Vict.

(A.)

Acts of 38 & 39 Vict. (in order of Chapter), showing their effect on former Acts.

CH.

1. CONSOLIDATED FUND (882,661*l.* 8*s.* 11*d.*) [U.K.]
2. CONSOLIDATED FUND (7,000,000*l.*) [U.K.]
3. METROPOLITAN POLICE MAGISTRATES SALARIES [E.]
   Repeals part of section 9 of 2 & 3 Vict. c. 71., Police Courts, Metropolis.
   „ section 19 of 18 & 19 Vict. c. 126., Criminal Justice.
   „ in part 35 & 36 Vict. c. 51., Judges Salaries.
4. SUPERANNUATION ACT, 1859, AMENDMENT [U.K.]
   Amends 22 Vict. c. 26.
5. REGISTRY OF DEEDS OFFICE (IRELAND) [I.]
   Repeals part of section 35 of 2 & 3 Will. 4. c. 87.
6. EPPING FOREST [E.]
   Amends 34 & 35 Vict. c. 93., 35 & 36 Vict. c. 95., and 36 & 37 Vict. c. 5., and extends time for making Commissioners final report.
7. MUTINY [U.K.]
   Applies 26 & 27 Vict. c. 57., Regimental Debts.
   Amends 33 & 34 Vict. c. 67., Army Enlistment.
8. MARINE MUTINY [U.K.]
9. BUILDING SOCIETIES ACT, 1874, AMENDMENT [U.K.]
   Repeals section 8 of 37 & 38 Vict. c. 42., and substitution of other provisions in lieu thereof.
10. CONSOLIDATED FUND (15,000,000*l.*) [U.K.]
11. LEASING POWERS FOR RELIGIOUS PURPOSES IN IRELAND [I.]
    Amends 18 & 19 Vict. c. 39., as to leasing of Glebe Lands, and extends it to the late Established Church of Ireland.
12. INTERNATIONAL COPYRIGHT [U.K.]
    Amends 15 & 16 Vict. c. 12., as to Dramatic Pieces.
13. HOLIDAYS ACT EXTENSION [E. & I.]
    Amends and extends 34 & 35 Vict. c. 17., Bank Holidays Act, 1871.

Table A.—Acts of 38 & 39 Vict. (in order of Chapter), &c.—*continued.*

CH.

14. PEACE PRESERVATION (IRELAND) [I.]
Amends and repeals in part 33 & 34 Vict. c. 9. and 36 & 37 Vict. c. 24., Peace Preservation (Ireland), and 34 & 35 Vict. c. 25., Protection of Life and Property, &c.
" 11 & 12 Vict. c. 2., Crime and Outrage (Ireland).
Continues 2 & 3 Vict. c. 74., Unlawful Oaths (Ireland), as amended by 11 & 12 Vict. c. 89.
Applies 14 & 15 Vict. c. 93., Petty Sessions (Ireland).

15. SEA FISHERIES [U.K.]
Amends 31 & 32 Vict. c. 45.

16. REGIMENTAL EXCHANGES [U.K.]
Exempts authorised Exchanges from provisions of Army Brokerage Acts, 5 & 6 Edw. 6. c. 16., and 49 Geo. 3. c. 126.

17. EXPLOSIVE SUBSTANCES [U.K.]
Repeals 23 & 24 Vict. c. 139. } Making, &c., and Carriage of Gunpowder and other Explosives, and Manufacture and Sale of Fireworks.
" 24 & 25 Vict. c. 130. }
" 25 & 26 Vict. c. 98. }
" 29 & 30 Vict. c. 69., Carriage, &c. of Dangerous Goods.
" 32 & 33 Vict. 113., Importation and Carriage of Nitroglycerine.
" part of section 26 of 26 & 27 Vict. c. 65., Volunteer Act, 1863.
Extends section 29 of 18 & 19 Vict. c. 119., Passengers Act, and sections 23–27 of 36 & 37 Vict. c. 85., Merchant Shipping Act, to all Explosives.
Applies 35 & 36 Vict. c. 76., Coal Mines, and 35 & 36 Vict. c. 77., Metalliferous Mines, to Magazines used for Mines.
Saving for Rockets, &c. at Stations or on board ship in compliance with 17 & 18 Vict. c. 104., and for Storage of Gunpowder in any vessel moored in the River Mersey in pursuance of 14 & 15 Vict. c. 67.
Applies Commissioners Clauses Act, 1847, and Lands Clauses Act, 1845.
" Public Health (Scotland) Act, 1867, and Public Health (Ireland) Act, 1874.

18. SEAL FISHERY (GREENLAND) [U.K.]
Establishes a close time for the Greenland Seal Fishery.

19. BISHOPS RESIGNATION [E.]
Repeals section 16 of 32 & 33 Vict. c. 111., and makes said Act perpetual.

20. DUBLIN JUSTICES [I.]
Amends 3 & 4 Vict. c. 108., and 7 & 8 Vict. c. 107., 14 & 15 Vict. c. 57., and 16 & 17 Vict. c. 55., as to the appointment of Justices of the Police District of Dublin Metropolis.

21. PUBLIC ENTERTAINMENTS [E.]
Amends section 3 of 25 Geo. 2. c. 36.
Saves certain occasional licenses granted under the Licensing Act, 1872.

22. POST OFFICE [U.K.]
Recites Treaty, &c. for formation of a General Postal Union.
Repeals in part Post Office (Duties) Acts, 3 & 4 Vict. c. 96., 10 & 11 Vict. c. 85., 7 & 8 Vict. c. 49., 23 & 24 Vict. c. 65., 33 & 34 Vict. c. 79., and 34 & 35 Vict. c. 30.
Applies 7 Will. 4. & 1 Vict. c. 36., Post Office (Offences).
Savings for letters of soldiers and seamen.

Table A.—Acts of 38 & 39 Vict. (in order of Chapter), &c.—*continued.*

Ch.

23. Customs and Inland Revenue [U.K.]
Customs:—Customs Duties on Tea.
Taxes:—Income Tax and Inhabited House Duties; applies existing Income Tax Acts, and Valuation (Metropolis) Act, 1869.
Excise:—Brewers licenses; Medicine licenses; Wine licenses; Warehousing of Medicinal Spirits; License for Hired Carriages; Spirit, Grocers, and Beer Dealers licenses in Ireland.
Stamps:—Application of Stamp Act of 1870; and repeal of duties on appointment charged under 33 & 34 Vict. c. 97. and 35 & 36 Vict. c. 20. s. 3.

24. Falsification of Accounts [E. & I.]
Construes Act with 24 & 25 Vict. c. 96., Larceny Consolidation.

25. Public Stores [U.K.]
Applies 24 & 25 Vict. c. 110., Old Metal Dealers.
Incorporates portions of 24 & 25 Vict. c. 96., Larceny Consolidation.
Amends section 45 of 28 & 29 Vict. c. 89., Greenwich Hospital.
Applies Summary Jurisdiction Acts, 11 & 12 Vict. c. 43., 14 & 15 Vict. c. 93., and 27 & 28 Vict. c. 53.
Repeals so much as is unrepealed of 9 & 10 Will. 3. c. 41. and 9 Geo. 1. c. 8., Public Stores.
" section 10 of 17 Geo. 2. c. 40., Public Stores.
" 39 & 40 Geo. 3. c. 89.
" 54 Geo. 3. c. 60.
" 55 Geo. 3. c. 127.
} Naval and other Public Stores.
" section 10 of 54 Geo. 3. c. 159., Dockyards, &c.
" in part 30 & 31 Vict. c. 128., War Department Stores.
" 32 & 33 Vict. c. 12., Naval Stores.

26. Bankruptcy (Scotland) [S.]
Repeals section 122 of 19 & 20 Vict. c. 79. as to Wages of Workmen, &c.

27. Intestates Widows and Children [E. & I.]
Extends 36 & 37 Vict. c. 52. to children of poor Intestate Widows.

28. Metropolitan Police Staff Superannuation [E.]
Repeals section 21 of 2 & 3 Vict. c. 47., Metropolitan Police.
Explains 4 & 5 Will. 4. c. 24. and 22 Vict. c. 46., Superannuation Acts, 1834 and 1859.

29. Endowed Schools (Vested Interests) Act Continuance [E.]
Continues 31 & 32 Vict. c. 32., Endowed Schools Act, 1868.

30. Glebe Loan (Ireland) [I.]
Amends section 14 of 34 & 35 Vict. c. 100.

31. Railway Companies [U.K.]
Makes perpetual section 4 of 30 & 31 Vict. c. 127., and section 4 of 30 & 31 Vict. c. 126., as to liability of rolling stock, &c.

32. Survey (Great Britain, &c.) Acts Continuance [U.K.]
Continues Ordnance Survey Acts, 4 & 5 Vict. c. 30. and 33 & 34 Vict. c. 13., for ten years.

33. Metropolis Management Acts Amendment [E.]
Amends 18 & 19 Vict. c. 120., and Acts amending the same, as to certain Assessments for Sewers.
" 32 & 33 Vict. c. 67., Valuation (Metropolis).

Table A.—Acts of 38 & 39 Vict. (in order of Chapter), &c.—*continued.*

CH.

34. BISHOPRIC OF SAINT ALBANS [E.]
Amends Acts relating to the Ecclesiastical Commissioners; and repealing all Enactments inconsistent with this Act, or with any Order in Council made thereunder.

35. SOUTH WALES TURNPIKE TRUSTS [W.]
Amends 7 & 8 Vict. c. 91., Turnpike Trusts (South Wales).

36. ARTIZANS AND LABOURERS DWELLINGS IMPROVEMENT [E. & I.]
Amends Lands Clauses Acts, 1845 and 1860.
Applies Lands Clauses Acts, 1845 and 1860, as so amended.
" (as to Ireland) Lands Clauses Acts, 1845 and 1860.
" " Railways Acts, 1851, 1860, 1864, and Railways Traverse Act.
" Public Health Act, 1872, and Public Health (Ireland) Act, 1874.
" Commissioners Clauses Act, 1847.
" Metropolis Works (Loans) Act, 1869.
Defines relation of local Acts to general Acts.

37. JURIES (IRELAND) [I.]
Continues and amends certain provisions of 36 & 37 Vict. c. 27.

38. PARLIAMENT OF CANADA [C.]
Repeals section 18 of 30 & 31 Vict. c. 3., British North America Act, 1867, and new provisions substituted.
Confirms Act of Parliament of Canada, 31 & 32 Vict. c. 24.

39. METALLIFEROUS MINES REGULATION [U.K.]
Repeals section 10 of 35 & 36 Vict. c. 77. as to return by owner or agent, and new provisions substituted.

40. MUNICIPAL ELECTIONS [U.K.]
Amends 35 & 36 Vict. c. 33., Ballot Act, 1872.
Repeals in part Municipal Corporations Acts, 5 & 6 Will. 4. c. 76. and 22 Vict. c. 35., as to Elections.
Repeals sections 6 and 7 of 32 & 33 Vict. c. 55., Municipal Franchise.
Amends section 11 of 16 & 17 Vict. c. 79. as to Elections on vacancies.

41. INTESTATES WIDOWS AND CHILDREN (SCOTLAND) [S.]
Applies 21 & 22 Vict. c. 56., Confirmation of Executors.

42. GLEBE LANDS, REPRESENTATIVE CHURCH BODY (IRELAND) [I.]
Amends 32 & 33 Vict. c. 42., Irish Church Act, 1869.
" 33 & 34 Vict. c. 46., Landlord and Tenant (Ireland) Act, 1870.
" section 72 of 3 & 4 Will. 4. c. 37., } Church Temporalities
" section 20 of 4 & 5 Will. 4. c. 90., } (Ireland).

43. MEDICAL ACTS AMENDMENT (COLLEGE OF SURGEONS) [E.]
Amends 21 & 22 Vict. c. 90., and Acts amending the same.

44. ROYAL IRISH CONSTABULARY [I.]
Amends 37 & 38 Vict. c. 80.

45. NATIONAL DEBT (SINKING FUND) [U.K.]
Amends 29 & 30 Vict. c. 39., Exchequer and Audit.
" 33 & 34 Vict. c. 71., National Debt.

46. BRIDGES (IRELAND) [I.]
Amends 30 & 31 Vict. c. 50., } Bridges (Ireland).
Applies 4 & 5 Will. 4. c. 61., }
" 2 & 3 Vict. c. 50., Public Works (Ireland).

Table A.—Acts of 38 & 39 Vict. (in order of Chapter), &c.—*continued.*

CH.

47. POLICE CONSTABLES (SCOTLAND) [S.]
Prohibits Constables appointed under Scottish Acts, 1617, 1633, and 1661, from exercising powers of Constables under 25 & 26 Vict. c. 114., Poaching Prevention Act, 1862.

48. POLICE (EXPENSES) [E. & S.]
Recites 19 & 20 Vict. c. 69., 20 & 21 Vict. c. 72., and 31 & 32 Vict. c. 67., and repeals so much of any Act as limits amount of contributions by Treasury to Police Force.

49. ARTIZANS AND LABOURERS DWELLINGS IMPROVEMENT (SCOTLAND) [S.]
Amends and applies Lands Clauses Consolidation (Scotland) Act, 1845.
Applies Public Health (Scotland) Act, 1867.
Defines relation of local Acts to general Acts.

50. COUNTY COURTS [E.]
Repeals part of section 62, and the whole of sections 85 and 103 of 9 & 10 Vict. c. 95.
" sections 28 and 29 of 19 & 20 Vict. c. 108.
" sections 6 and 7 of 29 & 30 Vict. c. 4.
" sections 2 and 32 of 30 & 31 Vict. c. 142.
" section 29 of 31 & 32 Vict. c. 71.

51. PACIFIC ISLANDERS PROTECTION [C.]
Amends, and in part repeals, 35 & 36 Vict. c. 19., and includes Fiji in the definition of "Australian Colonies."

52. WASHINGTON TREATY (CLAIMS) [U.K.]
Empowers Treasury to pay balance of claims under Washington Treaty of 1871 in the Court of Chancery.
Applies 10 & 11 Vict. c. 96., Trustees Act, 1867.

53. CANADA COPYRIGHT [C.]
Gives effect to an Act of the Parliament of Canada (38 Vict.) respecting Copyright.

54. JUSTICES OF THE PEACE QUALIFICATION [E.]
Amends 18 Geo. 2. c. 20.

55. PUBLIC HEALTH [E.]
Repeals the following enactments (but certain sections in the Acts marked thus (*) are re-enacted by this Act); viz.—

Public Health { *11 & 12 Vict. c. 63., wholly.
*35 & 36 Vict. c. 79., wholly, except as relates to the Metropolis.

Public Health Supplemental { 12 & 13 Vict. c. 94., 13 & 14 Vict. c. 90., 15 & 16 Vict. c. 42., } in part.

Local Government { *21 & 22 Vict. c. 98., *24 & 25 Vict. c. 61., *26 & 27 Vict. c. 17., } wholly.

Common Lodging Houses. { 14 & 15 Vict. c. 28., 16 & 17 Vict. c. 41., } wholly, except as relates to the Metropolitan Police District.

Nuisances Removal and Diseases Prevention. { 18 & 19 Vict. cc. 116., 121., 23 & 24 Vict. c. 77., 26 & 27 Vict. c. 117., 29 & 30 Vict. c. 41., } wholly, except as relates to the Metropolis.

Sewage Utilization. { 28 & 29 Vict. c. 75. 30 & 31 Vict. c. 113. } wholly, except as relates to Scotland or Ireland.

Sanitary Act, 1866, *29 & 30 Vict. c. 90., (Parts I., II., III.,) except as relates to the Metropolis, or to Scotland or Ireland.

Table A.—Acts of 38 & 39 Vict. (in order of Chapter), &c.—*continued.*

CH.

55. PUBLIC HEALTH.

(*cont*) Repeals the following enactments; viz.,

Sanitary Acts, 1868, 1869, 1870, 1874. { 31 & 32 Vict. c. 115., 32 & 33 Vict. c. 100., 33 & 34 Vict. c. 53., } wholly, except as relates to the Metropolis.
37 & 38 Vict. c. 89., wholly, except as relates to the Metropolis, or Metropolitan Police District.

Supersedes (in certain cases) Watching and Lighting Act, 3 & 4 Will. 4. c. 90.

Amends section 90 of 5 & 6 Will. 4. c. 76., Municipal Corporations.

Applies Bakehouse Regulation Act, 26 & 27 Vict. c. 40.

" Artizans and Labourers Dwellings Act, 31 & 32 Vict. c. 130.

" Baths and Washhouses Acts { 9 & 10 Vict. c. 74. 10 & 11 Vict. c. 61.

" Labouring Classes Lodging Acts { 14 & 15 Vict. c. 34. 29 & 30 Vict. c. 28. 30 & 31 Vict. c. 28.

" Summary Jurisdiction Acts, 11 & 12 Vict. c. 43., &c.

" Improvement of Land Act, 27 & 28 Vict. c. 114.

" Waterworks Clauses Acts, 1847 and 1863, 10 & 11 Vict. c. 17. and 26 & 27 Vict. c. 19.

" Towns Improvement Clauses Act, 1847, 10 & 11 Vict. c. 34.

" Markets and Fairs Clauses Act, 10 & 11 Vict. c. 14.

" Towns Police Clauses Act, 1847, 10 & 11 Vict. c. 89.

" Lands Clauses Acts, 1845, 1860, 1869.

56. COUNTY SURVEYORS SUPERANNUATION (IRELAND) [I.]

Applies Superannuation Act, 1859 (22 Vict. c. 26.)

57. PHARMACY (IRELAND) [I.]

Amends Irish Act of 1791 (31 Geo. 3.)

Applies Petty Sessions (Ireland) Act, 1851.

58. PUBLIC WORKS LOANS (MONEY) [U.K.]

59. PUBLIC RECORDS (IRELAND) ACT AMENDMENT [I.]

Amends 30 & 31 Vict. c. 70.

60. FRIENDLY SOCIETIES [U K.]

Repeals 18 & 19 Vict. c. 63., 21 & 22 Vict. c. 101., 23 & 24 Vict. c. 13., 23 & 24 Vict. c. 58., } Friendly Societies.

" 29 & 30 Vict. c. 34., Societies for Insurance of Animals.

" section 41 of 52 Geo. 3. c 38., section 39 of 52 Geo. 3. c. 68., section 44 of 17 & 18 Vict. c. 105., section 69 of 17 & 18 Vict. c. 106., section 27 of 17 & 18 Vict. c. 107., } Militia — Members of Friendly Societies.

" section 23 of 22 & 23 Vict. c. 40., section 44 of 26 & 27 Vict. c. 65., section 33 of 36 & 37 Vict. c. 77., } Yeomanry and Volunteer Force—Members of Friendly Societies.

Applies Summary Jurisdiction and Procedure Acts, and Petty Sessions (Ireland) Acts.

" 20 G. 2. c 43. and 38 & 39 Vict. c. 62., as to Appeals in Scotland.

" 26 & 27 Vict. c. 87., Savings Banks.

61. ENTAIL AMENDMENT (SCOTLAND) [S.]

Amends Act of Scottish Parliament, 1685.

" 11 & 12 Vict. c. 36.

" 5 Geo. 4. c. 87.

Table A.—Acts of 38 & 39 Vict. (in order of Chapter), &c.—*continued.*

CH.

62. SUMMARY PROSECUTIONS APPEALS (SCOTLAND) [S.]
Amends 20 Geo. 2. c. 43.
Applies Summary Procedure Act, 1864.

63. SALE OF FOOD AND DRUGS [U.K.]
Repeals 23 & 24 Vict. c. 84.,
" section 24 of 31 & 32 Vict. c. 121.,
" section 3 of 33 & 34 Vict. c. 26.,
" 35 & 36 Vict. c. 74.,
} Adulteration of Food and Drugs.
Applies Summary Jurisdiction and Procedure Acts, and Petty Sessions (Ireland) Acts.

64. GOVERNMENT OFFICERS SECURITY [U.K.]
Repeals 30 & 31 Vict. c. 108., Guarantee by Companies.

65. METROPOLITAN BOARD OF WORKS (LOANS) [E.]
Amends 32 & 33 Vict. c. 102., and 34 & 35 Vict. c. 47., Metropolitan Board of Works (Loans) Acts, 1869 and 1871.
Applies Metropolis Management Acts, 1855 and 1862.
" Fire Brigade Act, 1865.

66. STATUTE LAW REVISION [U.K.]
Repeals (with Savings) the Enactments described in the Schedule.
[*These Enactments will be found in their Chronological Order in Table B.—See p.* 1139 *et seq.*]
Repeals 26 Geo. 3. c. 84., Consecration of Bishops abroad.
Revives 9 Geo. 4. c. 58. s. 25. (repealed by Statute Law Revision Act, 1873).

67. LUNATIC ASYLUMS (IRELAND) [I.]
Amends and makes perpetual 5 & 6 Vict. c. 123., 8 & 9 Vict. c. 107., and 37 & 38 Vict. c. 74., Private Lunatic Asylums, Ireland.
" 1 & 2 Geo. 4. c. 33., Pauper and Criminal Lunatics (Ireland).
" 1 & 2 Vict. c. 27., Custody of Insane Persons (Ireland).
" 30 & 31 Vict. c. 118. s. 10., District Lunatic Asylums (Ireland).
Applies 34 & 35 Vict. c. 22., Lunacy Regulation (Ireland).
" Petty Sessions (Ireland) Act, 1851.

68. DEPARTMENT OF SCIENCE AND ART [U.K.]

69. MILITIA (VOLUNTARY ENLISTMENT) [U.K.]
Repeals (with Savings) the following Enactments, wholly or in part; viz.—
Relating to the United Kingdom, Great Britain or England :—
43 Geo. 3. c. 47.,
46 Geo. 3. cc. 90., 140.,
53 Geo. 3. c. 81.,
55 Geo. 3. c. 168.,
56 Geo. 3. c. 64.,
57 Geo. 3. c. 57.,
10 Geo. 4. c 10.,
2 & 3 Vict. c. 59.,
17 & 18 Vict. c. 13.,
18 & 19 Vict. cc. 1., 100.,
22 & 23 Vict. c. 38.,
32 & 33 Vict. c. 13.,
33 & 34 Vict. c. 68.,
} wholly.

Table A.—Acts of 38 & 39 Vict. (in order of Chapter), &c.—*continued.*

CH.
69. MILITIA (VOLUNTARY ENLISTMENT).
(*cont.*) Relating to the United Kingdom, Great Britain or England :—

37 Geo. 3. c. 25.,
42 Geo. 3. cc. 72., 90.,
51 Geo. 3. cc. 114., 118.,
55 Geo. 3. c. 65.,
15 & 16 Vict. c. 50.,
17 & 18 Vict. c. 105.,
23 & 24 Vict. c. 94.,
36 & 37 Vict. c. 68.,
} in part.

Relating to Scotland :—

49 Geo. 3. c. 90., wholly.
42 Geo. 3. c. 91.,
17 & 18 Vict. c. 106.,
} in part.

Relating to Ireland :—

51 Geo. 3. c. 78.,
52 Geo. 3. c. 28.,
54 Geo. 3. c. 179.,
18 & 19 Vict. c. 19.,
} wholly.

49 Geo. 3. c. 120.,
52 Geo. 3. c. 29.,
53 Geo. 3. c. 48.,
53 Geo. 3. c. 154.,
1 & 2 Will. 4. c. 17.,
17 & 18 Vict. c. 107.,
} in part.

Applies Mutiny Acts and Articles of War.
" Summary Proceedings and Small Penalties Acts ; also, Petty Sessions (Ireland) and Small Penalties (Ireland) Acts.

70. CHIMNEY SWEEPERS [E. & I.]
Amends 3 & 4 Vict. c. 85. and 27 & 28 Vict. c. 37.

71. ECCLESIASTICAL COMMISSIONERS [E.]
Amends 29 & 30 Vict. c. 111.

72. EXPIRING LAWS CONTINUANCE [U.K.]
Continues (as in Schedule) the following Acts, and Acts amending the same ; viz. :—

5 & 6 Will. 4. c. 27., Linen, &c. Manufactures (Ireland).
3 & 4 Vict. c. 89., Poor Rates (Stock in Trade Exemption).
4 & 5 Vict. c. 35., Copyhold, &c. Commissions.
4 & 5 Vict. c. 59., Application of Highway Rates.
10 & 11 Vict. c. 32., Landed Property Improvement (Ireland).
10 & 11 Vict. c. 98., Ecclesiastical Jurisdiction.
11 & 12 Vict. c. 32., County Cess (Ireland).
11 & 12 Vict. c. 107., Sheep and Cattle Diseases.
14 & 15 Vict. c. 104., Episcopal, &c. Estates.
17 & 18 Vict. c. 102., Corrupt Practices Prevention.
23 & 24 Vict. c. 19., Dwellings for Labouring Classes (Ireland).
24 & 25 Vict. c. 109., Salmon Fishery (England).
25 & 26 Vict. c. 97., Salmon Fisheries (Scotland).
26 & 27 Vict. c. 105., Promissory Notes.
27 & 28 Vict. c. 9., Malt for Animals.
27 & 28 Vict. c. 20., Promissory Notes, &c. (Ireland).
28 & 29 Vict. c. 46., Militia Ballots Suspension.
28 & 29 Vict. c. 66., Malt Duty.
28 & 29 Vict. c. 83., Locomotives on Roads.
29 & 30 Vict. c. 52., Prosecution Expenses.
31 & 32 Vict. c. 125., Election Petitions, &c.
32 & 33 Vict. c. 21., Election Commissioners Expenses.
34 & 35 Vict. c. 87., Sunday Observance Prosecutions.
34 & 35 Vict. c. 105., Petroleum.

Table A.—Acts of 38 & 39 Vict. (in order of Chapter), &c.—*continued.*

CH.

73. EAST INDIA HOME GOVERNMENT (APPOINTMENTS) [C.]
Amends 21 & 22 Vict. c. 106., Government of India.

74. PUBLIC HEALTH (SCOTLAND) ACT, 1867, AMENDMENT [S.]
Amends 30 & 31 Vict. c. 101., } Public Health (Scotland).
" 34 & 35 Vict. c. 38., }
" 25 & 26 Vict. c. 101., General Police and Improvement (Scotland).

75. CONTAGIOUS DISEASES (ANIMALS) ACT, 1869, AMENDMENT [S.]
Amends 32 & 33 Vict. c. 70.

76. ECCLESIASTICAL FEES [E.]
Amends 7 & 8 Vict. c. 68., } Ecclesiastical Jurisdiction.
" 10 & 11 Vict. c. 98., }

77. SUPREME COURT OF JUDICATURE ACT (1873) AMENDMENT [E.]
Amends and repeals in part 36 & 37 Vict. c. 66.
Amends 32 & 33 Vict. c. 37., Common Pleas, Lancaster.
" 35 & 36 Vict. c. 44., Court of Chancery Funds.
" 16 & 17 Vict. c. 70., Lunacy Regulation.
Repeals section 7 of 6 Geo. 4. c. 84., Common Pleas, &c.
" part of section 116 of 32 & 33 Vict. c. 71., } Bankruptcy.
" part of section 19 of 32 & 33 Vict. c. 83., }

78. CONSOLIDATED FUND (APPROPRIATION) [U.K.]

79. LEGAL PRACTITIONERS [E.]
Amends 6 & 7 Vict. c. 73., Attorneys and Solicitors.

80. REMISSION OF PENALTIES [E.]
Amends 21 Geo. 3. c. 49., Sunday Entertainments.

81. SHERIFFS SUBSTITUTE (SCOTLAND) [S.]

82. NATIONAL SCHOOL TEACHERS RESIDENCES (IRELAND) [I.]
Applies Public Works Acts, 29 & 30 Vict. c. 40. (and the Acts therein recited), and 24 & 25 Vict. c. 71.

83. LOCAL AUTHORITIES LOANS [E.]
Repeals 36 & 37 Vict. c. 35., County Debentures.
Applies 24 & 25 Vict. c. 98., Forgery.

84. PARLIAMENTARY ELECTIONS (RETURNING OFFICERS) [E. & I.]
Amends 35 & 36 Vict. c. 33., Ballot Act, 1872.

85. FOREIGN JURISDICTION [U.K.]
Amends 6 & 7 Vict. c. 94., and Acts amending the same.

86. CONSPIRACY, AND PROTECTION OF PROPERTY [U.K.]
Repeals 34 & 35 Vict. c. 32., Criminal Law (Violence, Threats, &c.).
" in part 30 & 31 Vict. c. 141., Master and Servant.
" the following enactments as to Breaches of Contract and Recovery of Wages, viz., 5 Eliz. c. 4.; part of section 2 of 12 Geo. 1. c. 34.; section 20 of 5 Geo. 3. c. 51.; 19 Geo. 3. c. 49.; sections 18 and 23 of 3 & 4 Vict. c. 91.; section 17 of 6 & 7 Vict. c. 40.; section 7 of 8 & 9 Vict. c. 128.
Applies Summary Jurisdiction and Procedure Acts and Petty Sessions (Ireland) Acts, and 20 Geo. 2. c. 43. as to Appeals in Scotland.

Table A.—Acts of 38 & 39 Vict. (in order of Chapter), &c.—*continued.*

CH.

87. LAND TITLES AND TRANSFER [E.]
Amends 25 & 26 Vict. c. 53., Land Registry Act, 1862.
" 37 & 38 Vict. c. 78., Vendor and Purchaser.
Applies Trustees Act, 1860.

88. MERCHANT SHIPPING (UNSEAWORTHY SHIPS) [U.K.]
Amends Merchant Shipping Acts, 1854, 1871, and 1873.

89. PUBLIC WORKS LOANS [U.K.]
Repeals the following Acts relating to Loans for Public Works :—

57 Geo. 3. cc. 34., 124.	5 & 6 Vict. c. 9.
1 Geo. 4. c. 60.	9 & 10 Vict. cc. 80., 83.
3 Geo. 4. c. 86.	12 & 13 Vict. c. 86.
5 Geo. 4. cc. 36., 77.	14 & 15 Vict. c. 23.
6 Geo. 4. c. 35.	16 & 17 Vict. c. 40.
7 & 8 Geo. 4. c. 47.	19 & 20 Vict. c. 17.
1 & 2 Will. 4. c. 24.	24 & 25 Vict. c. 80.
3 & 4 Will. 4. c. 32.	25 & 26 Vict. c. 30.
4 & 5 Will. 4. c. 72.	29 & 30 Vict. c. 72.
7 Will. 4. & 1 Vict. c. 51.	30 & 31 Vict. c. 32.
1 & 2 Vict. c. 88.	35 & 36 Vict. c. 71.
3 & 4 Vict. c. 10.	36 & 37 Vict. c. 49.

90. EMPLOYERS AND WORKMEN [U.K.]
Applies Summary Jurisdiction Acts and Petty Sessions (Ireland) Acts.

91. TRADE MARKS REGISTRATION [U.K.]

92. AGRICULTURAL HOLDINGS [E.]
Applies Crown Lands Act, 1866 ; also Duchy of Lancaster Lands Act, 1855, and Duchy of Cornwall Management Act, 1863.

93. COPYRIGHT OF DESIGNS [U.K.]
Amends 5 & 6 Vict. c. 100., 6 & 7 Vict. c. 65., 13 & 14 Vict. c. 104., 21 & 22 Vict. c. 70., and 24 & 25 Vict. c. 73. Powers and Duties of Board of Trade under those Acts transferred to Commissioners of Patents.

94. OFFENCES AGAINST THE PERSON [E. & I.]
Amends 24 & 25 Vict. c. 100. as to Carnal Knowledge of Girls under 12, and above 12 and under 13.

95. SANITARY LAW (DUBLIN) AMENDMENT [I.]
Amends 33 & 34 Vict. c. 106. as to Loan from Public Works Loans Commissioners.

96. NATIONAL SCHOOL TEACHERS (IRELAND) [I.]

(B.)

Acts of former Sessions (in Chronological Order) Repealed and Amended by Acts of 38 & 39 Vict.

NOTE.—The Repeals effected by THE STATUTE LAW REVISION ACT (Chapter 66.) are made the Subject of a separate Chronological Arrangement, which will be found at page 1139, *postea*.

Act repealed or amended.	Subject-matter.	How affected.	Chapter of 38 & 39 Vict.
5 & 6 Edw. 6. c. 16. - -	Army Brokerage—Regimental Exchanges.	Amended	16
5 Eliz. c. 4. - - -	Wages of Artificers, Labourers, Servants, &c.	Repealed	86
1685. Parl. Scotland - -	Entails (Scotland) - -	Amended	61
9 & 10 Will. 3. c. 41. in part -	Public Stores - -	Repealed	25
9 Geo. 1. c. 8. in part - -			
12 Geo. 1. c. 34. s. 2. in part -	Workmen employed in Woollen Manufactures, &c.	Repealed	86
17 Geo. 2. c. 40. s. 10. -	Public Stores - -	Repealed	25
18 Geo. 2. c. 20. - -	Justices of the Peace -	Amended	54
20 Geo. 2. c. 43. - -	Summary Prosecutions (Scotland).	Amended	62
25 Geo. 2. c. 36. s. 3. - -	Public Entertainments -	Amended	21
5 Geo. 3. c. 51. s. 20. - -	Manufacture of Woollen Cloth in the county of York, &c. - -	Repealed	86
19 Geo. 3. c. 49. - -	Wages of Persons in the Lace Manufactory -		
21 Geo. 3. c. 49. - -	Sunday Entertainments -	Amended	80
26 Geo. 3. c. 84. - -	Consecration of Bishops Abroad.	Repealed	66
31 Geo. 3. (Irish Act, 1791) -	Pharmacy (Ireland) -	Amended	57
37 Geo. 3. c. 25. ss. 8–12. -	Militia, Tower Hamlets -	Repealed	69
38 & 39 Geo. 3. c. 89. - -	Public Stores - -	Repealed	25
42 Geo. 3. c. 72. ss. 20–27., 32.	Militia (Miners, Cornwall and Devon) - -	Repealed	69
„ c. 90. in part -	Militia (England) - -		
„ c. 91. in part -	Militia (Scotland) - -		
43 Geo. 3. c. 47. - -	Militia (England) - -		
46 Geo. 3. c. 90. - -	Militia (England) - -		
„ c. 140. - -	Militia (England and Scotland) - - -		
49 Geo. 3. c. 90. - -	Militia (Scotland) - -		
„ c. 120. in part -	Militia (Ireland) - -		
„ c. 126. - -	Army Brokerage—Regimental Exchanges.	Amended	16
51 Geo. 3. c. 78. - -	Militia (Ireland) - -	Repealed	69
„ c. 114. in part -	Militia (Miners of Cornwall and Devon) - -		
„ c. 118. in part -	British and Irish Militias -		
52 Geo. 3. c. 28. - -	Militia (Ireland) - -		
„ c. 29. s. 2. - -	Militia (Ireland) - -		
„ c. 38. s. 41. -	Militia (England) - -	Repealed	60
„ c. 68. s. 39. -	Militia (Scotland) - -		

Table B.—Acts of former Sessions repealed and amended—*continued.*

Act repealed or amended.	Subject-matter.	How affected.	Chapter of 38 & 39 Vict.
53 Geo. 3. c. 48. ss. 1–6. -	Militia (Ireland) - -	Repealed	69
„ c. 81. - -	Militia - - -		
„ c. 154. s. 3. -	Kilmainham Hospital Pensions - - -		
54 Geo. 3. c. 60. - -	Public Stores - -	Repealed	25
„ c. 159. s. 10. -			
„ c. 179. - -	Militia (Ireland) - -	Repealed	69
55 Geo. 3. c. 65. in part -	Militia of Great Britain -		
„ c. 127. - -	Public Stores - -	Repealed	25
„ c. 168. - -	Militias of Great Britain and Ireland - -	Repealed	69
56 Geo. 3. c. 64. - -	Militia of Great Britain -		
57 Geo. 3. c. 34. - -	Public Works Loans -	Repealed	89
„ c. 57. - -	Training, and Quotas of the Militia.	Repealed	69
„ c. 124. - -	Public Works Loans -	Repealed	89
1 Geo. 4. c. 60. - -			
1 & 2 Geo. 4. c. 33. - -	Pauper and Criminal Lunatics (Ireland).	Amended	67
3 Geo. 4. c. 86. - -	Public Works Loans -	Repealed	89
5 Geo. 4. c. 36. - -			
„ c. 77. - -			
„ c. 87. - -	Entails (Scotland) - -	Amended	61
6 Geo. 4. c. 35. - -	Public Works Loans -	Repealed	89
„ c. 84. s. 7. - -	Common Pleas, &c. -	Repealed	77
7 & 8 Geo. 4. c. 47. - -	Public Works Loans -	Repealed	89
10 Geo. 4. c. 10. - -	Militia - - -	Repealed	69
1 & 2 Will. 4. c. 17. in part -	Lieutenants for Counties (Ireland) - -		
„ c. 24. - -	Public Works Loans -	Repealed	89
2 & 3 Will. 4. c. 87. s. 35. in part	Registry of Deeds Office (Ireland).	Repealed	5
3 & 4 Will. 4. c. 37. s. 72. -	Church Temporalities (Ireland).	Amended	42
„ c. 32. - -	Public Works Loans -	Repealed	89
4 & 5 Will. 4. c. 72. - -			
„ c. 90. s. 20. -	Church Temporalities (Ireland).	Amended	42
5 & 6 Will. 4. c. 76. - -	Municipal Elections -	Amended	40
„ c. 76. s. 90. -	Municipal Corporations -	Amended	55
7 Will. 4. & 1 Vict. c. 51. -	Public Works Loans -	Repealed	89
1 & 2 Vict. c. 27. - -	Custody of Insane Persons (Ireland).	Amended	67
„ c. 88. - -	Public Works Loans -	Repealed	89
2 & 3 Vict. c. 47. s. 21. -	Metropolitan Police -	Repealed	28
„ c. 59. - -	Militia - - -	Repealed	69
„ c. 71. s. 9. in part -	Metropolitan Police Magistrates Salaries.	Repealed	3
3 & 4 Vict. c. 10. - -	Public Works Loans -	Repealed	89
„ c. 85. - -	Chimney Sweepers -	Amended	70
„ c. 91. ss. 18., 23. -	Frauds and Abuses committed by Weavers, &c. (Ireland).	Repealed	86
„ c. 96. in part -	Post Office - -	Repealed	22
„ c. 108. - -	Appointment of Dublin Justices.	Amended	20

Table B.—Acts of former Sessions repealed and amended—*continued.*

Act repealed or amended.	Subject-matter.	How affected.	Chapter of 38 & 39 Vict.
4 & 5 Vict. c. 30. - -	Ordnance Survey - -	Amended	32
5 & 6 Vict. c. 9. - -	Public Works Loans -	Repealed	89
„ c. 100. - -	Copyright of Designs -	Amended	93
„ c. 123. - -	Private Lunatic Asylums (Ireland).	Amended	67
6 & 7 Vict. c. 40. s. 17. -	Workmen engaged in Woollen Manufactures.	Repealed	86
„ c. 65. - -	Copyright of Designs -	Amended	93
„ c. 73. - -	Attorneys and Solicitors -	Amended	79
„ c. 94. - -	Foreign Jurisdiction -	Amended	85
7 & 8 Vict. c. 49. in part -	Post Office - - -	Repealed	22
„ c. 68. - -	Ecclesiastical Jurisdiction -	Amended	76
„ c. 91. - -	Turnpike Trusts (South Wales).	Amended	35
„ c. 107. - -	Appointment of Dublin Justices.	Amended	20
8 & 9 Vict. c. 18. - -	Lands Clauses Consolidation	Amended	36
„ c. 19. - -	Lands Clauses Consolidation (Scotland).	Amended	49
„ c. 107. - -	Private Lunatic Asylums (Ireland).	Amended	67
„ c. 128. s. 7. -	Tickets of Work to Silk Weavers	Repealed	86
9 & 10 Vict. c. 80. - - } „ c. 83. - - }	Public Works Loans -	Repealed	89
„ c. 95. s. 62. in part, and ss. 85., 103.	County Courts - -	Repealed	50
10 & 11 Vict. c. 85. in part -	Post Office - - -	Repealed	22
„ c. 98. - -	Ecclesiastical Jurisdiction -	Amended	76
11 & 12 Vict. c. 2. - -	Crime and Outrage (Ireland)	Amended	14
„ c. 36. - -	Entails (Scotland) - -	Amended	61
„ c. 63. - -	Public Health - -	Repealed	55
12 & 13 Vict. c. 86. - -	Public Works Loans -	Repealed	89
„ c. 94. in part - } 13 & 14 Vict. c. 90. in part - }	Public Health Supplemental	Repealed	55
„ c. 104. - -	Copyright of Designs -	Amended	93
14 & 15 Vict. c. 23. - -	Public Works Loans -	Repealed	89
„ c. 28. (1) -	Common Lodging Houses -	Repealed	55
„ c. 57. - -	Appointment of Dublin Justices.	Amended	20
15 & 16 Vict. c. 12. - -	International Copyright—Dramatic Pieces.	Amended	12
„ c. 42. in part -	Public Health Supplemental	Repealed	55
„ c. 50. in part -	Militia in England - -	Repealed	69
16 & 17 Vict. c. 40 - -	Public Works Loans -	Repealed	89
„ c. 41. (1) -	Common Lodging Houses -	Repealed	55
„ c. 55. - -	Appointment of Dublin Justices.	Amended	20
„ c. 70. - -	Lunacy Regulation -	Amended	77
„ c. 79. s. 11. -	Municipal Elections -	Amended	40
17 & 18 Vict. c. 13. - -	Militia (United Kingdom) -	Repealed	69
„ c. 104. - -	Merchant Shipping Act, 1854	Amended	88
„ c. 105. s. 44. -	Militia in England and Wales.	Repealed	60

(1) Except so far as relates to the Metropolitan Police District.

Table B.—Acts of former Sessions repealed and amended—*continued.*

Act repealed or amended.	Subject-matter.	How affected.	Chapter of 38 & 39 Vict.
17 & 18 Vict. c. 105. in part -	Militia, England and Wales	Repealed	69
„ c. 106. s. 69. -	Militia (Scotland) - -	Repealed	60
„ c. 106. in part -	Militia (Scotland) - -	Repealed	69
„ c. 107. s. 27. -	Militia (Ireland) - -	Repealed	60
„ c. 107. in part. -	Militia (Ireland) - -	Repealed	69
18 & 19 Vict. c. 1. - -	Militia - - -		
„ c. 19. - -	Militia (Ireland) - -		
„ c. 39. - -	Leasing Powers for Religious Purposes (Ireland).	Amended	11
„ c. 63. - -	Friendly Societies - -	Repealed	60
„ c. 100. - -	Militia Officers - -	Repealed	69
„ c. 116. (1) -	Diseases Prevention -	Repealed	55
„ c. 120. - -	Metropolis Management -	Amended	33
„ c. 121. (1) -	Nuisances Removal -	Repealed	55
„ c. 126. s. 19. -	Metropolitan Police Magistrates Salaries.	Repealed	3
19 & 20 Vict. c. 17. - -	Public Works Loans -	Repealed	89
„ c. 69. - -	Police, Counties and Boroughs.	Amended	48
„ c. 79. s. 122. -	Bankruptcy (Scotland) -	Repealed	26
„ c. 108. ss. 28., 29.	County Courts - -	Repealed	50
20 & 21 Vict. c. 72. - -	Police (Scotland) - -	Amended	48
21 & 22 Vict. c. 70. - -	Copyright of Designs -	Amended	93
„ c. 90. - -	Medical Act, 1858—College of Surgeons.	Amended	43
„ c. 98. - -	Local Government - -	Repealed	55
„ c. 101. - -	Friendly Societies - -	Repealed	60
„ c. 106. - -	Government of India -	Amended	73
22 Vict. c. 26. - - -	Superannuation - -	Amended	4
„ c. 35. - - -	Municipal Elections -	Amended	40
22 & 23 Vict. c. 38. - -	Militia - - -	Repealed	69
„ c. 40. s. 23. -	Reserve Volunteer Force -	Repealed	60
23 & 24 Vict. c. 13. - -	Friendly Societies -	Repealed	60
„ c. 58. - -			
„ c. 65. in part -	Post Office - -	Repealed	22
„ c. 77. (1) -	Removal of Nuisances, &c.	Repealed	55
„ c. 84. - -	Adulteration of Food and Drugs.	Repealed	63
„ c. 94. in part -	Militia - - -	Repealed	69
„ c. 106. - -	Lands Clauses Consolidation	Amended	36
„ c. 139. - -	Making, Carriage, &c. of Gunpowder, &c.	Repealed	17
24 & 25 Vict. c. 61. - -	Local Government - -	Repealed	55
„ c. 73. - -	Copyright of Designs -	Amended	93
„ c. 80. - -	Public Works Loans -	Repealed	89
„ c. 100. - -	Offences against the Person	Amended	94
„ c. 130. - -	Making, Carriage, &c. of Gunpowder, &c.	Repealed	17
25 & 26 Vict. c. 30. - -	Public Works Loans -	Repealed	89
„ c. 53. - -	Land Registry - -	Amended	87
„ c. 98. - -	Making, Carriage, &c. of Gunpowder, &c.	Repealed	17
„ c. 101. - -	General Police and Improvement (Scotland).	Amended	74

(1) Except so far as relates to the Metropolis.

Table B.—Acts of former Sessions repealed and amended—*continued.*

Act repealed or amended.	Subject-matter.	How affected.	Chapter of 38 & 39 Vict.
25 & 26 Vict. c. 114. - -	Poaching Prevention -	Amended	47
26 & 27 Vict. c. 17. - -	Local Government -	Repealed	55
„ c. 65. s. 26. in part	Volunteer Act, 1863—Carriage, &c. of Gunpowder	Repealed	17
„ c. 65. s. 44. -	Volunteer Act, 1863—Friendly Societies.	Repealed	60
„ c. 117. (1) -	Nuisances Removal -	Repealed	55
27 & 28 Vict. c. 37. - -	Chimney Sweepers - -	Amended	70
28 & 29 Vict. c. 75. (2) -	Sewage Utilisation -	Repealed	55
„ c. 89. s. 45. -	Greenwich Hospital -	Amended	25
29 & 30 Vict. c. 4. ss. 6., 7. -	County Courts - -	Repealed	50
„ c. 34. - -	Societies for Assurance of Cattle.	Repealed	60
„ c. 39. - -	Exchequer and Audit -	Amended	45
„ c. 41. (1) -	Nuisances Removal -	Repealed	55
„ c. 69. - -	Carriage, &c. of Dangerous Goods.	Repealed	17
„ c. 72. - -	Public Works Loans -	Repealed	89
„ c. 90. in part (3) -	Sanitary Act, 1866 -	Repealed	55
„ c. 111. - -	Ecclesiastical Commissioners	Amended	71
30 & 31 Vict. c. 3. s. 18. -	British North America—Canada.	Repealed	38
„ c. 32. - -	Public Works Loans -	Repealed	89
„ c. 50. - -	Bridges (Ireland) - -	Amended	46
„ c. 70. - -	Public Records (Ireland) -	Amended	59
„ c. 101. - -	Public Health (Scotland) -	Amended	74
„ c. 108. - -	Guarantee by Companies -	Repealed	64
„ c. 113. (2) -	Sewage Utilisation -	Repealed	55
„ c. 118. - -	Lunatic Asylums (Ireland) -	Amended	67
„ c. 126. - - } „ c. 127. - - }	Railway Companies -	Amended	31
„ c. 128. in part -	Public Stores - -	Repealed	25
„ c. 141. in part -	Master and Servant -	Repealed	86
„ c. 142. ss. 2., 32.	County Courts - -	Repealed	50
31 & 32 Vict. c. 32. - -	Endowed Schools - -	Amended	29
„ c. 45. - -	Sea Fisheries—Oyster Fisheries.	Amended	15
„ c. 67. - -	Police Rates - -	Amended	48
„ c. 71. s. 29. -	County Courts - -	Repealed	50
„ c. 115. (1) -	Sanitary Act, 1868 - -	Repealed	55
„ c. 121. s. 24. -	Adulteration of Food and Drugs.	Repealed	63
32 & 33 Vict. c. 12. - -	Public Stores - -	Repealed	25
„ c. 13. - -	Militia - - -	Repealed	69
„ c. 37. - -	Common Pleas, Lancaster -	Amended	77
„ c. 42. - -	Irish Church Act - -	Amended	42
„ c. 55. ss. 6., 7. -	Municipal Elections -	Repealed	40
„ c. 67. - -	Valuation (Metropolis) -	Amended	33
„ c. 70. - - -	Contagious Diseases (Animals).	Amended	75
„ c. 71. s. 116. in part. „ c. 83. s. 19. in part }	Bankruptcy, &c. - -	Repealed	77

(1) Except so far as relates to the Metropolis.
(2) Except so far as relates to Scotland or Ireland.
(3) Except so far as relates to the Metropolis or to Scotland or Ireland.

Table B.—Acts of former Sessions repealed and amended—*continued.*

Act repealed or amended.	Subject-matter.	How affected.	Chapter of 38 & 39 Vict.
32 & 33 Vict. c. 100. (1) -	Sanitary Loans Act, 1869 -	Repealed	55
„ c. 102. - -	Metropolitan Board of Works	Amended	65
„ c. 111. s. 16. -	Bishops Resignation -	Repealed & Act made perpetual.	19
„ c. 113. - -	Importation and Carriage of Nitro-glycerine.	Repealed	17
33 & 34 Vict. c. 9. - -	Peace Preservation (Ireland)	Amended & repealed in part.	14
„ c. 13. - -	Ordnance Survey - -	Amended	32
„ c. 26. s. 3. -	Adulteration of Food and Drugs.	Repealed	63
„ c. 32. - -	Criminal Law (Violence, &c.)	Repealed	86
„ c. 46. - -	Landlord and Tenant (Ireland).	Amended	42
„ c. 53. (1) -	Sanitary Act, 1870 -	Repealed	55
„ c. 67. - -	Army Enlistment - -	Amended	7
„ c. 68. - -	Militia - - -	Repealed	69
„ c. 71. - -	National Debt - -	Amended	45
„ c. 79. in part -	Post Office - -	Repealed	22
„ c. 97. in part -	Stamp Duties - -	Repealed	23
„ c. 106. - -	Public Works Loans -	Amended	95
34 & 35 Vict. c. 17. - -	Holidays - - -	Amended	13
„ c. 25. - -	Protection of Life, &c. (Ireland).	Amended	14
„ c. 30. in part -	Post Office - -	Repealed	22
„ c. 38. - -	Public Health (Scotland) -	Amended	74
„ c. 47. - -	Metropolitan Board of Works	Amended	65
„ c. 93. - -	Epping Forest - -	Amended	6
„ c. 100. s. 14. -	Glebe Loan (Ireland) -	Amended	30
„ c. 110. - -	Merchant Shipping, 1871 -	Amended	88
35 & 36 Vict. c. 19. - -	Pacific Islanders Protection	Amended & repealed in part.	51
„ c. 20. s. 3. -	Stamp Duties - -	Repealed	23
„ c. 33. - -	Ballot Act, 1872 - -	Amended	40 and 84
„ c. 44. - -	Court of Chancery Funds -	Amended	77
„ c. 51. in part -	Metropolitan Police Magistrates Salaries.	Repealed	3
„ c. 71. - -	Public Works Loans -	Repealed	89
„ c. 74. - -	Adulteration of Food and Drugs	Repealed	63
„ c. 77. s. 10. -	Metalliferous Mines -	Repealed	39
„ c. 79. (1) -	Public Health - -	Repealed	55
„ c. 95. - - } 36 & 37 Vict. c. 5. - - }	Epping Forest - -	Amended	6
„ c. 24. - -	Peace Preservation (Ireland)	Amended & repealed in part.	14
„ c. 27. - -	Juries (Ireland) - -	Amended	37
„ c. 35. - -	County Debentures -	Repealed	83
„ c. 49. - -	Public Works Loans -	Repealed	89
„ c. 52. - -	Intestates Widows and Children.	Amended	27

(1) Except so far as relates to the Metropolis.

Table B.—Acts of former Sessions repealed and amended—*continued.*

Act repealed or amended.	Subject-matter.	How affected.	Chapter of 38 & 39 Vict
36 & 37 Vict. c. 66. - -	Supreme Court of Judicature	Amended & repealed in part.	77
„ c. 68. ss. 1–5. -	Militia - - -	Repealed	69
„ c. 77. s. 32. -	Naval Artillery Volunteer Force.	Repealed	60
„ c. 85. - -	Merchant Shipping, 1873 -	Amended	88
37 & 38 Vict. c. 42. - -	Building Societies - -	Amended	9
„ c. 74. - -	Private Lunatic Asylums (Ireland).	Amended	67
„ c. 78. - -	Vendor and Purchaser -	Amended	87
„ c. 80. - -	Royal Irish Constabulary -	Amended	44
„ c. 89. (1) -	Sanitary Law Amendment -	Repealed	55

(1) Except so far as relates to the Metropolis or the Metropolitan Police District.

Repeals effected by the Statute Law Revision Act (38 *&* 39 *Vict. c.* 66.)

Act repealed by 38 & 39 Vict. c. 66.	Subject-matter of Act repealed.
12 Geo. 1. c. 4.	Malt Duties, &c.
1 & 2 Geo. 4. c 77. s. 8.	Prisons (Ireland).
3 Geo. 4. c. 18.	Excise Duty on Malt.
6 Geo. 4. c. 50. in pt.	Jurors and Juries.
7 Geo. 4. c. 74. in pt.	Prisons (Ireland).
9 Geo. 4. c. 14. s. 5.	Promises and Engagements Contract.
c. 83. s. 38.	Administration of Justice in New South Wales, &c.
11 Geo. 4. & 1 Will. 4. c. 49.	Duties of Excise on Spirits.
2 & 3 Will. 4. c. 88. in pt.	Representation of the People of Ireland.
3 & 4 Will. 4. c. 41. s. 29.	Administration of Justice (Privy Council).
c. 74. s. 89. in pt.	Abolition of Fines and Recoveries.
4 & 5 Will 4. c. 36. s. 13.	Central Criminal Court.
c. 85. s. 11. in pt.	Sale of Beer and Cider by Retail in England.
5 & 6 Will. 4. c. 76. in pt.	Municipal Corporations (England and Wales).
6 & 7 Will. 4. c. 106. s. 8. in pt.	Administration of Justice in the Stannaries of Cornwall.
7 Will. 4. & 1 Vict. c. 82. s. 2. in pt.	Grand Juries (Ireland).
2 & 3 Vict. c. 47. s. 25.	Police (Metropolis).
c. 70.	Administration of Justice in New South Wales, &c.
c. 75. in pt.	Constabulary Force in Ireland.
c. 78. ss. 11., 17.	Dublin Police.

Table B.—Acts of former Sessions repealed and amended—*continued.*

Act repealed by 38 & 39 Vict. c. 66.	Subject-matter of Act repealed.
3 & 4 Vict. c. 29. so far as relates to Ireland	Vaccination.
c. 62. ss. 1., 4.	Administration of Justice in New South Wales, &c.
c. 96. s. 20. in pt.	Duties of Postage.
c. 103. s. 3.	Dublin Police.
c. 105. in pt.	Abolishing Arrest on Mesne Process, &c.
c. 108. s. 195. in pt.	Municipal Corporations (Ireland).
4 & 5 Vict. c. 32. so far as relates to Ireland	Vaccination.
5 & 6 Vict. c. 61. in pt.	Government of South Australia.
c. 76. ss. 55., 56.	Government of New South Wales and Van Diemen's Land.
7 & 8 Vict. c. 72.	Customs (New South Wales).
c. 74. in pt.	Government of New South Wales and Van Diemen's Land.
c. 107. s. 28. in pt.	Superior Courts of Law in Ireland.
8 & 9 Vict. c. 1.	Supply.
c. 2.	Stamp Duties.
c. 4.	Income Tax.
c. 6.	Duties and Laws of Excise on Glass.
c. 7.	Duties of Customs.
c. 8.	Mutiny.
c. 9.	Marine Mutiny.
c. 10. in pt.	Proceedings in Bastardy.
c. 11. s. 2.	Assigning Sheriffs in Wales.
c. 15. in pt.	Duties of Excise on Sales by Auction, &c.
c. 16. in pt.	Companies Clauses Consolidation.
c. 17. in pt.	Companies Clauses Consolidation (Scotland).
c. 18. in pt.	Lands Clauses Consolidation.
c. 19. in pt.	Lands Clauses Consolidation (Scotland).
c. 20. in pt.	Railways Clauses Consolidation.
c. 23.	Supply.
c. 26. s. 12.	Fishing for Trout or other Fresh-water Fish by Nets (Scotland).
c. 28. s. 7.	Canal Companies, &c. Tolls.
c. 30. in pt.	Administration of Justice (Majesty's Privy Council).
c. 32. in pt.	Mortgage of County Rates (Middlesex).
c. 33. s. 155.	Railways Clauses Consolidation (Scotland).
c. 34. in pt.	Seal Office of the Courts of Queen's Bench and Common Pleas.
c. 35. s. 11.	Infeftment in Heritable Property (Scotland).
c. 37. in pt.	Issue of Bank Notes in Ireland, &c.
c. 38. s. 23. in pt.	Issue of Bank Notes in Scotland.
c. 39. s. 2.	Arrestment of Wages (Scotland).
c. 40.	Parish Schoolmasters (Scotland).
c. 41. in pt.	Highways, Bridges, and Ferries (Scotland).
c. 42. s. 14.	Canal Companies.
c. 46. s. 4.	Constables on Public Works (Ireland).
c 49.	Annuity to Sir Henry Pottinger.
c. 50. s. 6.	Recovery of Loans by West India Relief Commissioners.
c. 53.	Turnpike Acts Continuance.
c. 56. in pt.	Drainage of Land.
c. 57.	Indemnity of Members of Art Unions against Penalties.
c. 58.	Militia Ballots, &c.
c. 59.	Application of Highway Rates to Turnpike Roads.

Table B.—Acts of former Sessions repealed and amended—*continued.*

Act repealed by 38 & 39 Vict. c. 66.	Subject-matter of Act repealed.
8 & 9 Vict. (*cont.*)	
c. 60.	Loan Societies.
c. 61. in pt.	Consolidation of Turnpike Trusts in South Wales.
c. 63. s. 7.	Geological Survey of Great Britain and Ireland.
c. 64. in pt.	Retail of Spirits in Ireland.
c. 65.	Duties on Spirits (Channel Islands).
c. 66. ss. 1., 21.	New Colleges (Ireland).
c. 68. in pt.	Bail in Error.
c. 69. ss. 6., 22.	Drainage (Ireland).
c. 70. in pt.	Church Building Acts.
c. 71. s. 3.	Highways (England).
c. 73.	Shrewsbury and Holyhead Road.
c. 74. ss. 1., 2., 5.	Foreign and other illegal Lotteries.
c. 76. in pt.	Stamp Duty on Licenses to Appraisers.
c. 77. in pt.	Tickets of Work (Hosiery).
c. 78.	Compensation Allowances (Courts of Law).
c. 79.	Rating of Stock in Trade.
c. 80. in pt. ss. 2., 3.	Criminal Jurisdiction of Assistant Barristers (Ireland).
c. 81. in pt.	Grand Jury Presentments, County of Dublin.
c. 82.	Militia Pay.
c. 83. in pt.	Relief of the Poor (Scotland).
c. 84.	Customs Laws Repeal.
c. 87.	Prevention of Smuggling.
c. 90.	Duties of Customs.
c. 95.	Sale of Waste Lands in the Australian Colonies.
c. 99. in pt.	Woods, Forests, &c., and Land Revenues.
c. 100. in pt.	Care and Treatment of Lunatics.
c. 102.	Laws relating to Usury.
c. 103.	Bonded Corn.
c. 105.	Court of Chancery.
c. 106. s. 1.	Law of Real Property.
c. 107. ss. 18., 28.	Lunatic Asylums (Ireland).
c. 108. s. 27.	Irish Fisheries.
c. 109. in pt.	Games and Wagers.
c. 110. in pt.	Borough and Watch Rates.
c. 113. ss. 6., 7.	Documentary Evidence.
c. 115. ss. 12., 16.	Taxing Master, Court of Chancery in Ireland.
c. 117. in pt.	Removal of the Poor.
c. 118. in pt.	Commons Inclosure.
c. 121. in pt.	Municipal Districts (Ireland).
c. 123.	Naval Medical Supplemental Fund Society.
c. 125.	Turnpike Roads (Ireland).
c. 127. in pt.	Better securing the Payment of Small Debts.
c. 128. in pt.	Silk Weavers.
c. 129.	Supply.
c. 130.	Appropriation.
9 & 10 Vict. c. 1. ss. 1., 13. in pt.	Public Works (Ireland).
c. 2. except s. 20.	Grand Jury Presentments (Ireland).
c. 3. in pt.	Sea Fisheries (Ireland).
c. 4. ss. 45–52.	Drainage (Ireland).
c. 6.	Treatment of poor Persons afflicted with Fever (Ireland).
c. 7.	Supply.
c. 11.	Mutiny.
c. 12.	Marine Mutiny.
c. 15.	Exchequer Bills.

Table B.—Acts of former Sessions repealed and amended—*continued.*

Act repealed by 38 & 39 Vict. c. 66.	Subject-matter of Act repealed.
9 & 10 Vict. (*cont.*)	
c. 17. s. 4.	Abolition of exclusive Privilege of Trading in Scotland.
c. 18.	Labour of Children, young Persons, and Women in Print Works.
c. 20. s. 1.	Railway Deposits.
c. 21.	Viscount Hardinge's Annuity.
c. 24. s. 2. in pt.	Administration of Criminal Justice.
c. 26.	Abolishing Office of Superintendent of Convicts.
c. 33. s. 2.	Corresponding Societies and licensing of Lecture Rooms.
c. 35.	Settlements in Western Australia.
c. 36.	Office for Coalwhippers, Port of London.
c. 37. in pt.	Office of Coroner (Ireland).
c. 40. s. 2.	Ropeworks.
c. 42.	Loan from Consolidated Fund to New Zealand Company.
c. 43.	Militia Ballots.
c. 44. in pt.	Cheshire Returning Officer.
c. 45.	Government of Newfoundland.
c. 46.	Ordnance Survey.
c. 47.	Supply.
c. 48. ss. 2., 3.	Art Unions.
c. 49.	Highway Rates.
c. 50.	Stock in Trade Rating.
c. 51.	Turnpike Acts Continuance.
c. 52.	Loan Societies.
c. 53.	Copyhold Commission.
c. 54.	Serjeants at Law, Common Pleas.
c. 55.	Militia Pay.
c. 56. s. 4.	Assessed Taxes, &c.
c. 57. s. 9.	Gauge of Railways.
c. 59. in pt.	Penalties and Disabilities in regard to Religious Opinions.
c. 60. in pt.	Grand Jury Cess Bonds.
c. 61. s. 2.	Prisons (Ireland).
c. 62.	Abolishing Deodands.
c. 64. s. 8.	Adverse Claims (Ireland).
c. 66. s. 10.	Removal of the Poor.
c. 67. s. 2.	Citations and Service of Diligence (Scotland).
c. 69.	Naval Medical Supplemental Fund Society.
c. 70. in pt.	Commons Inclosure.
c. 71.	Grand Jury Presentments (Ireland).
c. 72. s. 5.	Marriages (Ireland).
c. 73. in pt.	Commutation of Tithes (England and Wales).
c. 74. in pt.	Establishment of public Baths and Wash-houses.
c. 76. in pt.	Exclusive Privilege of Trading (Ireland).
c. 77. in pt.	Offices of the House of Commons.
c. 78.	County Works Presentments (Ireland).
c. 79.	Lunatic Asylums (Ireland).
c. 80.	Public Works Loans.
c. 82.	New Zealand Company.
c. 83.	Loans for Public Works and Fisheries.
c. 85.	Public Works Loans (Ireland).
c. 86. in pt.	Commissioners of Public Works (Ireland).
c. 87. s. 27.	Public Baths and Wash-houses (Ireland).
c. 88. s. 2.	Assignments of Ecclesiastical Patronage.
c. 89.	Turnpike Roads (Ireland).
c. 90. s. 4. in pt.	Use of Stills by unlicensed Persons.
c. 93. in pt.	Compensating Families of Persons killed by Accidents.

Table B.—Acts of former Sessions repealed and amended—*continued.*

Act repealed by 38 & 39 Vict. c. 66.	Subject-matter of Act repealed.
9 & 10 Vict. (*cont.*)	
c. 95. in pt.	County Courts (England).
c. 96.	Contagious Diseases.
c. 97. ss. 1., 7.	Constabulary Force (Ireland).
c. 101. in pt.	Drainage of Lands.
c. 103. ss. 9., 17.	Government of New Zealand.
c. 107.	Employment of the labouring Poor in distressed Districts (Ireland).
c. 108.	Public Works Loans (Ireland).
c. 111. ss. 13., 25.	Ejectments, &c. (Ireland).
c. 112. s. 9.	Leases (Ireland).
c. 113. s. 10.	Proceedings in Prohibition and on Writs of Mandamus (Ireland).
c. 114.	Irish Fisheries.
c. 115.	Lunatic Asylums (Ireland).
c. 116.	Appropriation.
10 & 11 Vict. c. 1.	Duties on the Importation of Corn.
c. 2.	Importation of Corn in Foreign Ships.
c. 3.	Importation of Buck Wheat, &c.
c. 4. in pt.	Poundage on Chelsea Pensions.
c. 5. in pt.	Use of Sugar in the brewing of Beer.
c. 7.	Relief of destitute Persons in Ireland.
c. 8.	Supply.
c. 10.	Relief of Distress in Ireland, &c.
c. 11. s. 12.	Drainage of Lands.
c. 12.	Mutiny.
c. 13.	Marine Mutiny.
c. 14. ss. 53., 60.	Markets and Fairs Clauses Consolidation.
c. 15. in pt.	Gasworks Clauses Consolidation.
c. 16. in pt.	Commissioners Clauses Consolidation.
c. 17. in pt.	Waterworks Clauses Consolidation.
c. 19.	Exchequer Bills.
c. 20.	General Register House at Edinburgh.
c. 21. ss. 1., 5.	Stations of Soldiers during Parliamentary Elections.
c. 22.	Treatment of poor Persons afflicted with Fever in Ireland.
c. 26. s. 8.	Prisons (Ireland).
c. 27. ss. 93., 104.	Harbours, Docks, and Piers Clauses Consolidation.
c. 28 s. 2.	County Buildings.
c. 31. in pt.	Relief of the destitute Poor (Ireland).
c. 32. in pt.	Improvement of Landed Property (Ireland).
c. 33. s. 5.	Removal of poor Persons from England and Scotland.
c. 34. ss. 211., 216.	Towns Improvement Clauses Consolidation.
c. 35.	Turnpike Acts Continuance (Ireland).
c. 36.	Loan Discount.
c. 38. s. 21.	Drainage of Lands (England and Wales).
c. 39. s. 9.	Burghs Police, &c. (Scotland).
c. 40.	Lunatic Asylums in Ireland.
c. 41.	Soap Duty Allowances.
c. 42. in pt.	Stage Carriage, &c. Duties.
c. 44.	Government of Newfoundland.
c. 46. s. 8.	Investment of Trust Moneys in Improvement of Landed Property (Ireland).
c. 53.	Loan Societies.
c. 55.	Relief of Destitute Persons in Ireland.
c. 56.	Collection of certain Duties at Port Natal.
c. 60.	Office of Master in Ordinary, Court of Chancery.

Table B.—Acts of former Sessions repealed and amended—*continued.*

Act repealed by 38 & 39 Vict. c. 66.	Subject-matter of Act repealed
10 & 11 Vict. (*cont.*)	
c. 61. in pt.	Public Baths and Wash-houses.
c. 62. in pt.	Naval Prisons, &c.
c. 63. in pt.	Limiting Time of Service in the Royal Marines.
c. 64.	Importation of Corn, &c.
c. 65. ss. 63., 69.	Cemeteries Clauses Consolidation.
c. 67. s. 3.	Custody of Offenders.
c. 68.	Militia Ballots.
c. 69. ss. 1., 12.	Taxation of Costs on Private Bills in the House of Commons.
c. 71.	Canada Consolidation Revenue Fund.
c. 72. in pt.	Turnpike Roads (South Wales).
c. 73.	Loans for Railways in Ireland.
c. 74.	Navigation of the River Shannon.
c. 75.	Fishery Piers and Harbours (Ireland).
c. 77.	Stock in Trade Rating.
c. 79. ss. 1., 6.	Drainage of Lands (Ireland).
c. 80.	Employment of labouring Poor in distressed Districts in Ireland.
c. 82. in pt.	Juvenile Offenders.
c. 84. ss. 1., 9.	Punishment of Vagrants, &c. (Ireland).
c. 85. in pt.	Post Office.
c. 86.	Importation of Corn.
c. 87.	Recovery of Public Monies (Ireland).
c. 88.	Militia Pay.
c. 89. ss. 74., 79.	Towns Clauses Consolidation.
c. 90. in pt.	Relief of the Poor in Ireland.
c. 91. s. 5.	Herring Fishery (Scotland).
c. 92. s. 5.	Mussel Fisheries (Scotland).
c. 93.	Highway Rates.
c. 94. s. 5.	Canal Companies.
c. 95. s. 3.	Colonial Copyright, United Kingdom.
c. 96. in pt.	Better securing Trust Funds and for Relief of Trustees.
c. 97.	Affidavit Office in Chancery.
c. 98. in pt.	Ecclesiastical Jurisdiction in England.
c. 99.	Relief of destitute Persons (Ireland).
c. 100. in pt.	Constabulary Force (Ireland).
c. 101.	Copyhold Commission.
c. 104. ss. 1., 5.	Commutation of Tithes (England and Wales).
c. 105.	Turnpike Acts Continuance.
c. 106.	Loans for Drainage, &c. (Ireland).
c. 107.	Appropriation.
c. 108. in pt.	Bishoprick of Manchester, &c.
c. 109. in pt.	Laws for Relief of the Poor in England.
c. 110.	Removal of the Poor.
c. 111. in pt.	Commons Inclosure.
c. 112. except s. 19.	New Zealand Company.
c. 113. s. 18.	Drainage of Lands (Scotland).
11 & 12 Vict. c. 1.	Public Works (Ireland).
c. 2. in pt.	Crime and Outrage (Ireland).
c. 3.	Extension of Time for making certain Railways.
c. 4.	Supply.
c. 7.	Queen's Prison.
c. 8.	Property Tax.
c. 9.	Stamp Duties.
c. 10. in pt.	Court of Chancery Oaths.

Table B.—Acts of former Sessions repealed and amended—*continued.*

Act repealed by 38 & 39 Vict. c. 66.	Subject-matter of Act repealed.
11 & 12 Vict. (*cont.*)	
c. 11.	Mutiny.
c. 12. ss. 1., 11.	Crown and Government Security.
c. 13. in pt.	Leasing of Mines in Ireland.
c. 15.	Marine Mutiny.
c. 16.	Exchequer Bills.
c. 17.	Public Works (Ireland).
c. 18.	Trial of controverted Elections.
c. 20.	Removal of Aliens from the Realm.
c. 21. in pt.	Insolvent Debtors (India).
c. 22.	Island of Tobago Relief.
c. 24.	Great Yarmouth Disfranchisement.
c. 25. in pt.	Workhouses (Ireland).
c. 26. ss. 4., 9.	Collectors of Grand Jury Cess (Ireland).
c. 28. in pt.	Imprisonment for Debt (Ireland).
c. 29. in pt.	Game Certificates for killing Hares.
c. 30. s. 7.	Game Certificates for killing Hares (Scotland).
c. 31. in pt.	Removal of the Poor in England and Wales.
c. 32. s. 4.	Collection of County Cess (Ireland).
c. 33.	Supply.
c. 35.	Habeas Corpus Suspension.
c. 36. in pt.	Law of Entail (Scotland).
c. 38. s. 7.	West India Relief Commission.
c. 42. in pt.	Duties of Justices with respect to indictable Offences.
c. 43. ss. 36., 38., 39.	Duties of Justices with respect to summary Convictions and Orders.
c. 44. ss. 16., 17., 19.	Protection of Justices from vexatious Actions.
c. 46. s. 6.	Administration of Criminal Justice.
c. 47. s. 10.	Relief of evicted destitute Poor (Ireland).
c. 48. in pt.	Sale of Incumbered Estates (Ireland).
c. 49.	Sale of Beer, &c. on the Lord's Day.
c. 51.	Loans for Drainage, &c. (Ireland).
c. 55 in pt.	Offices of Paymasters of Exchequer Bills and Paymaster of Civil Services, &c.
c. 58.	Naval Medical Supplemental Fund Society.
c. 64.	Loan Societies.
c. 65.	Militia Ballots.
c. 66.	Highway Rates.
c. 67.	Ecclesiastical Jurisdiction.
c. 68. in pt.	Better securing Trust Funds and Relief of Trustees.
c. 69. in pt.	Corn Markets (Ireland).
c. 70.	Proclamations on Fines, Common Pleas.
c. 71.	Commission for building new Churches.
c. 72. in pt.	Constabulary Force (Ireland).
c. 73.	Turnpike Acts Continuance (Ireland).
c. 74. s. 3.	Registers of Sasines (Scotland).
c. 75.	Militia Pay.
c. 78. in pt.	Administration of the Criminal Law.
c. 79. ss. 8., 13.	Court of Justiciary (Scotland).
c. 80. s. 4.	Tithe Rentcharges (Ireland).
c. 83. ss. 3., 16.	Assessionable Manors, Duchies of Cornwall and Lancaster.
c. 85.	Stock in Trade Rating.
c. 87. s. 2.	Payment of Debts out of Real Estate.
c. 88. in pt.	Money Order Department of the Post Office.
c. 89. ss. 1., 3.	Unlawful Oaths (Ireland).
c. 90. in pt.	Payment of Rates and Taxes by Parliamentary Electors.

Table B.—Acts of former Sessions repealed and amended—*continued.*

Act repealed by 38 & 39 Vict. c. 66.	Subject-matter of Act repealed.
11 & 12 Vict. (*cont.*)	
c. 91. in pt.	Payment of Parish Debts and Audit of Parochial and Union Accounts, &c.
c. 92. in pt.	Salmon and other Fisheries (Ireland).
c. 96.	Turnpike Acts Continuance.
c. 99. in pt.	Commons Inclosure.
c. 101. s. 8.	Lock-up Houses on the Borders of Counties.
c. 102. in pt.	Battersea Park.
c. 103. s. 2.	Royal Military Asylum.
c. 104. in pt.	Millbank Prison.
c. 105. s. 6.	Contagious or infectious Disorders, Sheep, Cattle, &c.
c. 106.	Employment of the labouring Poor (Ireland).
c. 107. ss. 13., 20., 22.	Contagious or infectious Disorders, Sheep, Cattle, &c.
c. 108.	Diplomatic Relations with the Roman States.
c. 110. in pt.	Poor Law Union Charges.
c. 111. s. 2.	Removal of the Poor.
c. 112.	Metropolitan Commissions of Sewers.
c. 114.	Proceedings by District Auditors.
c. 115.	Irish Reproductive Loan Fund Institution.
c. 118. in pt.	Licenses for letting of Post Horses (Ireland).
c. 119. s. 5.	Drainage Certificates.
c. 120. s. 15.	Transfer of Landed Property (Ireland).
c. 121. in pt.	Dealers in British Spirits.
c. 122. in pt.	Warehousing of British Spirits.
c. 126.	Appropriation.
c. 127.	Duties on Copper and Lead.
c. 130. in pt.	Guaranteeing the Interest on West India Loans, &c.
c. 131.	Treatment of poor Persons afflicted with Fever in Ireland.
c. 132. s. 9.	Taxing Master, Court of Chancery (Ireland).
12 & 13 Vict. c. 1. in pt.	Board of Commissioners of Inland Revenue.
c. 2.	Habeas Corpus Suspension (Ireland).
c. 3.	Supply.
c. 4. in pt.	Appointment of Vice Guardians of Unions (Ireland).
c. 5.	Relief of distressed Poor Law Unions (Ireland).
c. 6. s. 1.	Summer Assizes for Buckingham.
c. 8. ss. 2., 3., 5.	Appointment of Overseers in Cities and Boroughs.
c. 10.	Mutiny.
c. 12.	Marine Mutiny.
c. 13. in pt.	Out-door Paupers.
c. 14. in pt.	Distraining for Rates.
c. 16. in pt.	Protecting Justices in Ireland from vexatious Actions.
c. 17.	Sale of Spirits without License (Ireland).
c. 20.	Supply.
c. 23.	Improvement of Land and Drainage (Ireland).
c. 24.	General Rate in aid of distressed Unions (Ireland).
c. 26. in pt.	Defects in Leases made under Powers of Leasing.
c. 31. s. 5.	Transmission of Accounts of Trustees of Turnpike Roads (Scotland).
c. 32.	Collection of Grand Jury Cess (Ireland).
c. 34. s. 5.	Justice of the Peace Small Debt Courts (Scotland).
c. 35. s. 5.	Transmission of Accounts of Expenditure on Highway
c. 36.	Collection of County Cess (Ireland).
c. 37.	Loan Societies.
c. 38.	Prevention and Punishment of Assaults (Ireland).
c. 39.	Temporary Provisions concerning Ecclesiastical Jurisdiction.

Table B.—Acts of former Sessions repealed and amended—*continued.*

Act repealed by 38 & 39 Vict. c. 66.	Subject-matter of Act repealed.
12 & 13 Vict. (*cont.*)	
c. 40.	Allowances of Excise Duty on Soap.
c. 42.	Office of Sheriff in the County of Westmoreland.
c. 44.	Supply.
c. 45. ss. 20., 27.	Courts of General and Quarter Sessions (England and Wales).
c. 46. in pt.	Union of Turnpike Trusts.
c. 47.	Turnpike Acts Continuance (Ireland).
c. 49. s. 8.	Sites for Schools.
c. 51. s. 41.	Protection of Property of Pupils and Persons under Mental Incapacity (Scotland).
c. 52.	Militia Ballots.
c. 53. ss. 1., 10.	Attorneys and Solicitors (Ireland).
c. 54.	Highway Rates.
c. 56.	Lunatic Asylums (Ireland).
c. 59. ss. 5., 7.	Improvement of Landed Property (Ireland).
c. 60.	Labouring Poor (Ireland).
c. 61.	Rating Stock in Trade.
c. 63.	Relief of distressed Poor Law Unions (Ireland).
c. 64. ss. 2., 3.	Poor Relief, Cities and Boroughs.
c. 65. ss. 6., 7.	Levying and collecting County Rates, County Police Rates, &c.
c. 67. s. 3.	Remedies of Sequestrators of Ecclesiastical Benefices.
c. 68. s. 22.	Marriage of British Subjects in Foreign Countries.
c. 72. in pt.	Offices of the House of Commons.
c. 74. in pt.	Relief of Trustees.
c. 75.	Militia Pay.
c. 77.	Incumbered Estates (Ireland).
c. 78. ss. 1., 16.	Taxation of Costs, House of Lords.
c. 82. s. 1. in pt.	Relief of Boroughs from Contribution to County Expenditure.
c. 87. in pt.	Turnpike Acts Continuance.
c. 90. s. 41.	Laws relating to the Customs.
c. 92. in pt.	Prevention of Cruelty to Animals.
c. 95. ss. 1., 12.	Judgments (Ireland).
c. 98.	Appropriation.
c. 101. in pt.	County Courts.
c. 103. in pt.	Poor Law Union Charges.
c. 104. in pt.	Relief of the destitute Poor in Ireland.
c. 105. s. 41.	Renewable Leasehold Tenure of Lands (Ireland).
c. 109. in pt.	Court of Chancery Offices.
13 & 14 Vict. c. 1.	Collection of County Cess (Ireland).
c. 3.	Supply.
c. 4. in pt.	Transmission of annual Accounts of Turnpike Roads (Ireland).
c. 5.	Mutiny.
c. 6.	Marine Mutiny.
c. 7. in pt.	Metropolitan Public Carriages, &c.
c. 9.	Duties and Drawbacks of Excise on Bricks.
c. 10.	Supply.
c. 11.	School Districts Contribution.
c. 16.	Forms of Pleading at Common Law.
c. 17. ss. 1., 4.	Defects in Leases made under Powers of Leasing.
c. 18. in pt. } c. 19. }	Process and Practice in the Courts of Common Law (Ireland).
c. 20. ss. 3., 6., 9.	Appointment and Payment of Parish Constables.

Table B.—Acts of former Sessions repealed and amended—*continued.*

Act repealed by 38 & 39 Vict. c. 66.	Subject-matter of Act repealed.
13 & 14 Vict. (*cont.*)	
c. 22.	Exchequer Bills.
c. 23.	Sunday Fairs Prevention.
c. 25.	Judges of Assize.
c. 26. in pt. c. 27.	Pirates Head Money Repeal.
c. 28. s. 5.	Titles of Congregations or Societies for Religious Worship.
c. 29. s. 13.	Judgments (Ireland).
c. 30. ss. 1., 3.	Appointment of Sheriff of County of Westmoreland.
c. 31. in pt.	Advances for Drainage and the Improvement of Landed Property.
c. 34.	Turnpike Acts Continuance (Ireland).
c. 35. in pt.	High Court of Chancery (England).
c. 36. in pt.	Court of Session in Scotland.
c. 38. s. 2.	Upton-cum-Chalvey Marriages Validity.
c. 39. ss. 3., 5.	Government of Convict Prisons.
c. 43. in pt.	Court of Chancery of the County Palatine of Lancaster.
c. 44.	For taking an account of the Population of Ireland.
c. 45.	Loan Societies.
c. 46.	Militia Ballots.
c. 47.	Ecclesiastical Jurisdiction (England).
c. 48.	Linen, Hempen, and other Manufactures (Ireland).
c. 49.	Militia Pay.
c. 50.	Stock in Trade Rating.
c. 51. in pt.	Transfer of Equitable Jurisdiction of the Court of Exchequer to Court of Chancery (Ireland).
c. 53.	For taking account of the Population of Great Britain.
c. 54. s. 9. in pt.	Labour in Factories.
c. 55.	Municipal Corporations (Ireland).
c. 57. in pt.	Vestry Meetings in Churches, &c.
c. 58.	Highway Rates.
c. 60. in pt.	Conveyance and Transfer of Property vested in Mortgagees and Trustees.
c. 61. in pt.	County Courts.
c. 63.	Redemption of Annuity payable to the "Equivalent Company."
c. 64. s. 6.	Maintaining, repairing, &c. Bridges in Cities and Boroughs.
c. 67. in pt.	Duty of Excise on Sugar, &c.
c. 68. in pt.	Duration of Elections (Ireland).
c. 69. in pt.	Qualification, &c. of Parliamentary Voters (Ireland).
c. 71.	Contagious or infectious Disorders among Sheep, &c.
c. 72. s. 65.	Registration of Assurances of Lands (Ireland).
c. 73. in pt.	Process of Attachment of Goods in Borough and other Courts (Ireland).
c. 74. ss. 7., 13.	Office of Registrar of Judgments in Ireland.
c. 75. s. 5.	Fees of certain Officers in the Court of Common Pleas.
c. 79. in pt.	Turnpike Acts Continuance (Great Britain).
c. 80.	Fisheries.
c. 82. s. 3.	Collection of Grand Jury Cess (Ireland).
c. 83. in pt.	Abandonment of Railways and the Dissolution of Railway Companies.
c. 85. s. 6.	Holding Assizes of Counties of Cities and Towns in Ireland.
c. 87.	Police Superannuation Fund.
c. 88. s. 57.	Engines used in Rivers of Ireland.
c. 89. in pt.	Proceedings in the Court of Chancery (Ireland).
c. 91. in pt.	Borough Gaols.

Table B.—Acts of former Sessions repealed and amended—*continued.*

Act repealed by 38 & 39 Vict. c. 66.	Subject-matter of Act repealed.
13 & 14 Vict. (*cont.*)	
c. 92. s. 13.	Prevention of Cruelty to Animals (Scotland).
c. 94. in pt.	Ecclesiastical Commissioners for England.
c. 98. ss. 9., 14.	Law relating to the holding of Benefices in Plurality.
c. 99.	Small Tenements Rating.
c. 101. in pt.	Relief of the Poor.
c. 104. in pt.	Copyright of Designs.
c. 105. s. 12.	Union of Liberties with Counties.
c. 106.	Crime and Outrage (Ireland) Acts Continuance.
c. 107.	Appropriation.
c. 110.	Savings Banks (Ireland).
c. 113.	Transfer of Loans for Improvement of Land (Ireland).
c. 114. s. 1. in pt.	Stamp Duties on Law Proceedings (Ireland).
14 & 15 Vict. c. 3.	Supply.
c. 4.	Appointment of Vice Chancellor in Room of Sir James Wigram.
c. 5.	Marine Mutiny.
c. 6.	Mutiny.
c. 8.	Extending Provisions of The Designs Act, 1850.
c. 9.	Exchequer Bills.
c. 12. ss. 1., 2.	Property Tax.
c. 17.	Process and Practice, Courts of Common Law (Ireland).
c. 18.	Stamp Duties (Ireland).
c. 19. ss. 10., 15.	Better Prevention of Offences.
c. 21. s. 5.	Bridges (Ireland).
c. 22.	Ordnance Survey.
c. 26. in pt.	British White Herring Fishery.
c. 28. in pt.	Common Lodging Houses.
c. 29.	Ecclesiastical Jurisdiction in England.
c. 30.	Highway Rates.
c. 31.	Loan Societies.
c. 32.	Militia Ballots.
c. 34. in pt.	Establishment of Lodging Houses for the Labouring Classes.
c. 36. in pt.	Inhabited House Duties: Window Duties.
c. 37.	Turnpike Acts Continuance.
c. 39.	Burgesses and Freemen: Parliamentary Franchise.
c. 40.	Marriages in India.
c. 41. in pt.	Salaries of Chief Justice of Queen's Bench and Chief Justice of Common Pleas.
c. 42. in pt.	Woods, Forests, and Land Revenues of the Crown.
c. 44.	Turnpike Acts Continuance (Ireland).
c. 45.	Lunatic Asylums (Ireland).
c. 47.	Stock in Trade Rating.
c. 48.	Unlawful Oaths (Ireland).
c. 49. s. 1.	Preliminary Inquiries in Cases of Applications for Local Acts.
c. 50. in pt.	Assessment of Tithe and Tithe Rentcharges.
c. 51.	Loans for carrying on Public Works in Ireland.
c. 55. in pt.	Expenses of Prosecutions, and Apprehension and Trial of Offenders.
c. 56. s. 1.	Service by Post of charitable Institutions: Notices.
c. 57. in pt.	Civil Bills and the Courts of Quarter Sessions (Ireland).
c. 58.	Militia Pay.
c. 59.	Allowances of Excise Duty on Soap used in Manufactures.
c. 64. in pt.	Commissioners of Railways.

Table B.—Acts of former Sessions repealed and amended—*continued.*

Act repealed by 38 & 39 Vict. c. 66.	Subject-matter of Act repealed.
14 & 15 Vict. (*cont.*)	
c. 65. ss. 1., 3.	Grand Jury Cess (Ireland).
c. 67. in pt.	Gunpowder Stores, Liverpool.
c. 68. in pt.	Medical Charities (Ireland).
c. 69.	Contagious or infectious Disorders, Sheep, Cattle, &c.
c. 70. s. 32.	Lands Clauses Consolidation.
c. 71.	Irish Branch of the United Church of England and Ireland.
c. 75.	Metropolitan Sewers.
c. 77. s. 14.	Battersea Park.
c. 78.	Office for Benefit of Coalwhippers, Port of London.
c. 82. in pt.	Forms of Appointments to certain Offices, &c.
c. 83. in pt.	Administration of Justice in the Court of Chancery, &c.
c. 85. in pt.	Constabulary Force (Ireland).
c. 88. in pt.	Regulation of Attornies and Solicitors.
c. 90. ss. 19., 21.	Collection of Fines (Ireland).
c. 92. in pt.	Summary Jurisdiction (Ireland).
c. 93. ss. 43., 46.	Petty Sessions, &c. (Ireland).
c. 97. in pt.	Church Building Acts.
c. 99. in pt.	Law of Evidence.
c. 100. ss. 10., 26., 39.	Administration of Criminal Justice.
c. 101.	Appropriation.
c. 102. in pt.	Merchant Seamen's Fund.
c. 105. in pt.	Poor Relief Act Continuance.
c. 106.	Commissioners for inquiring into Bribery in the Borough of St. Alban.
15 & 16 Vict. c. 1.	Supply.
c. 3. s. 2.	Personal Estates of Intestates.
c. 5. in pt.	Municipal Corporations in England and Wales, and in Ireland.
c. 6.	Registration of Inventions under The Protection of Inventions Act.
c. 7.	Mutiny.
c. 8.	Marine Mutiny.
c. 9.	Borough of St. Alban Disfranchisement.
c. 10.	Exchequer Bills.
c. 11.	Contagious or infectious Disorders, Sheep, Cattle, &c.
c. 12. ss. 12., 13.	Copyright, and Convention with France, &c.
c. 13.	Linen, Hempen, and other Manufactures (Ireland).
c. 14.	Poor Relief Act Continuance.
c. 15.	Loan Societies.
c. 17.	Ecclesiastical Jurisdiction.
c. 18.	Stock in Trade Rating.
c. 19.	Highway Rates.
c. 20.	Property Tax Continuance (Ireland).
c. 21.	Stamp Duties (Ireland).
c. 22.	Turnpike Acts Continuance.
c. 26. in pt.	Apprehension of Seamen who desert from their Ships.
c. 32. ss. 7., 9	Election of Magistrates and Councillors (Scotland).
c. 37.	Poor Law Commission (Ireland).
c. 47.	Differential Duties on Foreign Ships Abolition.
c. 51. in pt.	Enfranchisement of Copyholds.
c. 54. in pt.	County Courts.
c. 55. s. 2. in pt.	Trustee Act Extension.
c. 56. in pt.	Qualifications of Pharmaceutical Chemists.
c. 57. in pt.	Corrupt Practices at Elections for Members to serve in Parliament.

Table B.—Acts of former Sessions repealed and amended—*continued.*

Act repealed by 38 & 39 Vict. c. 66.	Subject-matter of Act repealed
15 & 16 Vict. (*cont.*)	
c. 58.	Turnpike Acts Continuance.
c. 59.	Poor Law Board Continuance.
c. 60.	Savings Banks (Ireland).
c. 63. in pt.	Valuation of rateable Property (Ireland).
c. 64.	Metropolitan Sewers Act Continuance.
c. 66.	Crime and Outrage (Ireland).
c. 67.	Sale and Transfer of Incumbered Estates (Ireland).
c. 68.	Distressed Unions and Electoral Divisions (Ireland).
c. 73. in pt.	Nisi Prius Offices.
c. 74.	Militia Pay.
c. 75.	Militia Ballots.
c. 76. in pt.	Common Law Procedure.
c. 80. in pt.	Abolishing the Office of Master in Ordinary of the Court of Chancery.
c. 81. in pt.	Assessment and Collection of County Rates.
c. 82.	Appropriation.
c. 84. in pt.	Supply of Water to the Metropolis.
c. 85. in pt.	Burial of the Dead in the Metropolis.
c. 86. in pt.	Amending the Practice and Course of Proceeding in the High Court of Chancery.
c. 87. in pt.	Relief of the Suitors of the High Court of Chancery.
16 & 17 Vict. c. 1.	Bills of Exchange &c. payable in the Metropolis on the Day of the Duke of Wellington's Funeral.
c. 4.	West India Colonies Loan Act Amendment.
c. 6.	Supply.
c. 9.	Mutiny.
c. 10.	Marine Mutiny.
c. 12.	Supply.
c. 13.	Collection of Grand Jury Cess (Ireland).
c. 19.	New Forest Deer Removal Act Amendment.
c. 20. ss. 1., 2.	Law of Evidence in Scotland.
c. 22. s. 3. in pt.	Office of Examiner, Court of Chancery.
c. 25.	Exchequer Bills.
c. 29. s. 3.	Weights used in Sales of Bullion.
c. 31.	Supply.
c. 34. in pt.	Property Tax.
c. 35.	Appointments connected with Cathedral and Collegiate Churches.
c. 37.	Duties of Excise upon Spirits.
c. 38. s. 2.	Compensation for malicious Injuries to Property (Ireland).
c. 39.	Duties, &c. of Excise on Soap.
c. 45. in pt.	Savings Banks Annuities.
c. 50. s. 3. in pt.	Exchange of Patronage by Archbishops, Bishops, &c.
c. 55. in pt.	Taxing Officer Common Law Business (Ireland).
c. 58. s. 2. in pt.	Dublin Parliamentary Registration.
c. 64. (except s. 12.)	Incumbered Estates (Ireland).
c. 66.	Highway Rates.
c. 67. in pt.	Regulation of Public Houses (Scotland).
c 69. ss. 5., 6.	Entry and Service of Seamen, &c.
c. 70. in pt.	Regulation of Proceedings under Commissions of Lunacy, &c.
c. 72.	Crime and Outrage (Ireland).
c. 73. in pt.	Naval Coast Volunteers.
c. 74. in pt.	Land Tax Redemption.
c. 75.	Remission of Consolidated Annuities (Ireland).

Table B.—Acts of former Sessions repealed and amended—*continued.*

Act repealed by 38 & 39 Vict. c. 66.	Subject-matter of Act repealed.
16 & 17 Vict. (*cont.*)	
c. 76.	Turnpike Acts Continuance (Ireland).
c. 77.	Poor Relief Act Continuance.
c. 79. in pt.	Municipal Corporations (England).
c. 80. in pt.	Procedure in the Sheriffs Courts (Scotland).
c. 83. ss. 4., 6.	Law of Evidence Amendment.
c. 84. s. 3.	Passengers Act Amendment.
c. 89. s. 7. in pt.	Admission of Professors to Lay Chairs in Universities of Scotland.
c. 91. s. 2.	Abatement of Income Tax in respect of Insurances on Lives.
c. 93. s. 10.	Enabling Burghs in Scotland to maintain and improve their Harbours.
c. 94. s. 11.	Amendment of the Law of Entail in Scotland.
c. 96. in pt.	Care and Treatment of Lunatics.
c. 97. in pt.	Lunatic Asylums for Counties and Boroughs, and Care of Pauper Lunatics.
c. 99. s. 11. in pt.	Substitution of other Punishment in lieu of Transportation.
c. 103.	Linen, Hempen, and other Manufactures in Ireland.
c. 105.	Stock in Trade Rating.
c. 107. in pt.	Customs Consolidation.
c. 108.	Ecclesiastical Jurisdiction.
c. 109.	Loan Societies.
c. 110.	Appropriation.
c. 112. in pt.	Hackney and Stage Carriages, Dublin Metropolis.
c. 113. s. 3. in pt.	Common Law Procedure (Ireland).
c. 116.	Militia Pay.
c. 118.	Apprehension of Offenders Act Amendment.
c. 124.	Appointments under Copyhold and Inclosure Commissions, &c.
c. 129. s. 3. in pt.	Amending the Law relating to Pilotage.
c. 130. in pt.	Drainage of Lands and Improvements in connexion therewith (Ireland).
c. 133.	Militia Ballots Suspension.
c. 135. in pt.	Turnpike Acts Continuance.
c. 136. ss. 13., 14., 18.	Public Works Acts Amendment (Ireland).
c. 137. in pt.	Better Administration of Charitable Trusts.
17 & 18 Vict. c. 2.	Supply.
c. 3.	Exchequer Bills.
c. 4.	Mutiny.
c. 6.	Marine Mutiny.
c. 7.	Highways (South Wales).
c. 8. s. 1.	Valuation of rateable Property in Ireland.
c. 10.	Property Tax.
c. 12.	Exchequer Bills.
c. 14.	Church Building Acts Continuance.
c. 16.	County Courts.
c. 21.	Supply.
c. 23.	Exchequer Bonds and Exchequer Bills.
c. 24. in pt.	Property Tax.
c. 27. (except s. 8.)	Duties of Excise.
c. 30. in pt.	Duties of Excise on Sugar made in the United Kingdom.
c. 35. in pt.	Assizes for the County of Warwick.
c. 36. in pt.	Secret Bills of Sale of Personal Chattels.
c. 40.	Abatement of Income Tax in respect of Insurance on Lives.
c. 41.	Poor Law Board Continuance.
c. 42.	Turnpike Acts Continuance (Ireland).

Table B.—Acts of former Sessions repealed and amended—*continued.*

Act repealed by 38 & 39 Vict. c. 66.	Subject-matter of Act repealed.
17 & 18 Vict. (*cont.*)	
c. 43.	Union Charges Continuance.
c. 45. in pt.	Dublin Carriage Act Amendment.
c. 46.	Linen, Hempen, and other Manufactures (Ireland).
c. 50.	Savings Banks in Ireland, &c.
c. 52.	Highway Rates.
c. 56.	Friendly Societies.
c. 58. in pt.	Turnpike Acts Continuance.
c. 61.	Royal Military Asylum.
c. 63.	Poor Law Commission for Ireland Continuance.
c. 65.	Ecclesiastical Jurisdiction.
c. 66.	Stock in Trade Rating.
c. 69.	Rating for Repair of Highways under the Public Health Act.
c. 72.	Salaries of Sheriff and Sheriff Clerk of Chancery in Scotland.
c. 75. s. 2.	Acknowledgment of Deeds by Married Women in certain Cases.
c. 76. s. 1.	Convict Prisons (Ireland).
c. 80. in pt.	Registration of Births, Deaths, and Marriages (Scotland).
c. 81. in pt.	University of Oxford.
c. 89. in pt.	Sale of Spirits, and Illicit Distillation (Ireland).
c. 90. in pt.	Usury and Enrolment of Annuities.
c. 91. in pt.	Valuation of Lands and Heritages in Scotland.
c. 92.	Crime and Outrage (Ireland).
c. 94. s. 1. in pt.	Public Revenue and Consolidated Fund Charges.
c. 95.	Public Health.
c. 98.	Parochial Schoolmasters (Scotland).
c. 100.	Despatch of Business in the High Court of Chancery.
c. 105. in pt.	Militia (England and Wales).
c. 106. in pt.	Militia and Volunteer Force (Scotland).
c. 107. in pt.	Militia and Volunteer Force (Ireland).
c. 108.	Militia Ballots Suspension.
c. 109.	Militia Pay.
c. 110.	County of Mayo: Advances.
c. 111.	Metropolitan Sewers.
c. 114. s. 2.	Medical Graduates, University of London.
c. 120. in pt.	Merchant Shipping Acts Repeal.
c. 121.	Appropriation.
c. 123.	Russian Government Securities.
c. 125. in pt.	Common Law Procedure.
18&19 Vict. c. 1. ss. 1–14.	Militia.
c. 2.	Enlistment of Foreigners.
c. 3.	Treaty with United States of America.
c. 4.	Limiting the Time of Service in the Army.
c. 5.	Supply.
c. 6.	Supply.
c. 8.	Exchequer Bills.
c. 10.	Secretary and Under Secretary of State, House of Commons.
c. 11.	Mutiny.
c. 12.	Marine Mutiny.
c. 15. s. 7. in pt.	Protection of Purchasers against Judgments, &c.
c. 19. in pt.	Militia (Ireland).
c. 20.	Property Tax.
c. 22.	Duties of Excise.
c. 26.	Alteration in Forms of Pleading.

Table B.—Acts of former Sessions repealed and amended—*continued.*

Act repealed by 38 & 39 Vict. c. 66.	Subject-matter of Act repealed.
18 & 19 Vict. (*cont.*)	
c. 28.	Income Tax payable in respect of Ecclesiastical Property in Ireland.
c. 30.	Sewers: House Drainage.
c. 32. in pt.	Jurisdiction of the Stannary Court.
c. 33.	Validity of certain Proceedings in the House of Commons.
c. 35. s. 2.	Abatement of Income Tax in respect of Insurance on Lives.
c. 36. s. 1.	Stamp Duties, University of Oxford.
c. 37.	Supply.
c. 41. s. 2.	Jurisdiction of the Ecclesiastical Courts in Suits for Defamation.
c. 47.	Union Charges Act Continuance.
c. 48. in pt.	Administration of Justice in the Cinque Ports.
c. 51.	Stock in Trade Rating.
c. 52.	Copyhold and Inclosure Commissions, &c.
c. 59.	Commissioners of Endowed Schools (Ireland).
c. 60. ss. 2., 3.	Gold Wedding Rings.
c. 71.	Loans advanced to the Islands of Antigua, Nevis, and Montserrat.
c. 72. ss. 1., 5.	Standards of Weights and Measures.
c. 73.	Sale and Transfer of Incumbered Estates in Ireland.
c. 75.	Ecclesiastical Jurisdiction (England).
c. 76.	Private Lunatic Asylums in Ireland.
c. 77.	Convention with the United States of America.
c. 82.	Trinity College, Dublin.
c. 83.	Turnpike Acts Continuance (Ireland).
c. 94. in pt.	Duties of Excise.
c. 96. in pt.	Customs Laws Consolidation, &c.
c. 97. in pt.	Amendment and Consolidation of the Customs Tariff Acts.
c. 98.	Turnpike Acts Continuance (Great Britain).
c. 100.	Qualification of Officers of the Militia.
c. 103. in pt.	Sale of Spirits (Ireland).
c. 105. in pt.	Lunatic Asylums and Regulation Acts Amendment.
c. 106.	Militia Ballots Suspension.
c. 107.	Loan to the Island of Tobago.
c. 110. ss. 1–8.	Drainage and Improvement of Lands (Ireland).
c. 112.	Crime and Outrage (Ireland).
c. 115. in pt.	Public Health Act.
c. 119. in pt.	Carriage of Passengers by Sea.
c. 120. in pt.	Local Management of the Metropolis.
c. 122. in pt.	Construction of Buildings in the Metropolis, &c.
c. 123.	Militia Pay.
c. 124. in pt.	Charitable Trusts.
c. 127.	Union of contiguous Benefices.
c. 128. s. 5.	Burial of the Dead in England.
c. 129.	Appropriation.
c. 130.	Exchequer Bills.
c. 132.	Dwelling Houses for the Labouring Classes.
c. 133.	Liability of Members of Joint Stock Companies.
c. 134. in pt.	Despatch of Business in the High Court of Chancery.
19 & 20 Vict. c. 1. in pt.	House of Commons Offices.
c. 2. in pt.	Metropolitan Police.
c. 4.	Supply.
c. 7.	Supply.
c. 8.	Marine Mutiny.
c. 10.	Mutiny.

Table B.—Acts of former Sessions repealed and amended—*continued.*

Act repealed by 38 & 39 Vict. c. 66.	Subject-matter of Act repealed.
19 & 20 Vict. (*cont.*)	
c. 14.	Secretary to the Poor Law Commissioners (Ireland).
c. 15. s. 1.	Out-Pensioners of Greenwich and Chelsea Hospitals.
c. 18. in pt.	Loans for carrying on Public Works in Ireland.
c. 19.	Supply.
c. 20. s. 1.	Compositions to Bankers who have ceased to issue Bank Notes.
c. 31.	University of Oxford.
c. 33.	Abatement of Income Tax in respect of Insurance on Lives.
c. 34. ss. 1–15., 17., 18.	Excise Duty on Malt.
c. 42.	Stock in Trade Rating.
c. 44.	Exchequer Bills, &c.
c. 49.	Turnpike Acts (Great Britain) Continuance.
c. 51.	Use of Rice in Distillation of Spirits.
c. 52.	Militia Ballots Suspension.
c. 56. in pt.	Court of Exchequer (Scotland).
c. 58. in pt.	Registration of Voters (Scotland).
c. 59. in pt.	Public Revenue: Transfer of Charges.
c. 62. s. 26.	Drainage (Ireland).
c. 63. s. 20.	Grand Juries (Ireland).
c. 64.	Repealing certain Statutes which are not in use.
c. 67.	Incumbered Estates (Ireland).
c. 68. in pt.	Prisons (Ireland).
c. 69. in pt.	Police in Counties and Boroughs (England and Wales).
c. 71.	Turnpike Acts Continuance (Ireland).
c. 72.	Railways Act (Ireland) Continuance.
c. 74.	Episcopal and Capitular Estates.
c. 75. ss. 1., 2., 10.	Laws and Duties of Customs.
c. 76.	Charities and Charitable Trusts Acts.
c. 77. s. 5.	Court of Chancery in Ireland, Appointment of Receivers.
c. 78.	Unlawful Oaths (Ireland).
c. 79. in pt.	Bankruptcy (Scotland) Consolidation.
c. 80. s. 3.	Income Tax and Land Tax.
c. 83. in pt.	Coast Guard Services.
c. 84.	Corrupt Practices Prevention Act Continuance.
c. 85.	General Board of Health.
c. 87. in pt.	Lunatic Asylums Act Continuance.
c. 88. in pt.	University of Cambridge, &c.
c. 90.	Militia Pay.
c. 92. in pt.	Court of Appeal in Chancery.
c. 98. s. 18. in pt.	Burial of the Dead (Ireland).
c. 101.	Infectious Disorders, Sheep, Cattle, &c.
c. 102. in pt.	Common Law Procedure (Ireland).
c. 105.	Appropriation.
c. 108. in pt.	County Courts.
c. 112. s. 1. in pt.	Local Management of the Metropolis.
c. 114. s. 5. in pt.	Frauds in the Hay and Straw Trade.
c. 115.	Retirement of the Bishops of London and Durham.
20 Vict. c 2. ss. 1–3.	Appointments of Chief Constables.
c. 6.	Property Tax.
c. 8.	Copyhold and Inclosure Commissions, &c.
c. 10.	Ecclesiastical Jurisdiction (England).
c. 11. ss. 1., 2.	Commissioners of Supply (Scotland).
c. 13.	Mutiny.
c. 14.	Marine Mutiny.
c 15.	Duties of Customs on Tea, Sugar, &c.

Table B.—Acts of former Sessions repealed and amended—*continued.*

Act repealed by 38 & 39 Vict. c. 66.	Subject-matter of Act repealed.
20 Vict. (*cont.*)	
c. 17.	Exchequer Bills.
c. 18.	Maintenance of Paupers upon Union Funds.
c. 20.	Appropriation.
20 & 21 Vict. c. 3. s. 1.	Transportation and Penal Servitude.
c. 4.	Supply.
c. 5.	Abatement of Income Tax in respect of Insurance on Lives.
c. 12.	Convention with the King of Denmark.
c. 16.	Turnpike Trusts Abolition (Ireland).
c. 18. in pt.	Procedure in the Bill Chamber (Scotland).
c. 19. s. 8.	Bankruptcy (Scotland).
c. 21.	Militia Ballots Suspension (United Kingdom).
c. 24.	Turnpike Acts Continuance (Great Britain).
c. 25. ss. 1., 2.	University of Oxford.
c. 28. in pt.	Land and Assessed Taxes and Property and Income Tax (Scotland).
c. 35. s. 9.	Burial of the Dead (City of London).
c. 37.	Superannuation.
c. 38.	General Board of Health.
c. 40. s. 1.	Illicit Distillation (Ireland).
c. 41.	Loan Societies.
c. 42. s. 1.	Burial Grounds (Scotland).
c. 44. s. 6.	Crown Suits (Scotland).
c. 45. s. 4.	Boundaries of Land (Ireland).
c. 56. s. 9.	Court of Session (Scotland).
c. 60. in pt.	Bankruptcy and Insolvency (Ireland).
c. 61.	Duties of Customs and Excise.
c. 62. in pt.	Duties of Customs.
c. 65.	Militia Pay.
c. 68. in pt.	Dublin Revising Barristers, &c.
c. 69.	Appropriation.
c. 71. in pt.	Lunatics and Lunatic Asylums (Scotland).
c. 72. in pt.	Police in Counties and Burghs (Scotland).
c. 73. in pt.	Nuisances from Smoke of Furnaces (Scotland).
c. 74.	Episcopal and Capitular Estates (England).
c. 76.	Exemption of certain Charities from Operation of Charitable Trusts Acts.
c. 77. in pt.	Probates and Letters of Administration (England).
c. 79. in pt.	Probates and Letters of Administration (Ireland).
c. 82.	Militia.
c. 85. in pt.	Divorce and Matrimonial Causes.
21 & 22 Vict. c. 3. in pt.	East India Loan.
c. 4.	Militia.
c. 5.	Supply.
c. 6.	Supply.
c. 7.	Marine Mutiny.
c. 9.	Mutiny.
c. 11. s. 1.	Matriculation and Degrees, University of Cambridge.
c. 12.	Duties of Customs.
c. 13.	Exchequer Bills.
c. 14.	Exchequer Bonds.
c. 15.	Duties of Excise.
c. 16.	Duties of Customs.
c. 17.	Supply.
c. 22. s. 3.	Abolishing Franchise Prisons.
c. 25. s. 4. in pt.	Non-parochial Registers, &c.

Table B.—Acts of former Sessions repealed and amended—*continued.*

Act repealed by 38 & 39 Vict. c. 66.	Subject-matter of Act repealed.
21 & 22 Vict. (*cont.*)	
c. 26.	Abolishing Property Qualifications of Members of Parliament.
c. 28.	Peace Preservation (Ireland) Act Continuance.
c. 32.	Chief Justice of Bombay.
c. 34.	Railways Act (Ireland) Continuance.
c. 38.	Reduction of the Funded Debt.
c. 39.	Militia Ballots Suspension.
c. 41.	Advances towards Navigations (Ireland).
c. 44. s. 5.	Universities and Colleges Estates.
c. 51.	Exemption of Charities from Charitable Trusts Acts.
c. 52. in pt.	Nisi Prius Court (Ireland).
c. 53.	Copyhold and Inclosure Commissions, &c.
c. 55.	Army Service.
c. 56. s. 19. in pt.	Confirmation of Executors (Scotland).
c. 57. in pt.	Ecclesiastical Corporations Leases.
c. 62.	Contagious or infectious Diseases, Sheep, Cattle, &c.
c. 63.	Turnpike Acts Continuance (Great Britain).
c. 64. s. 5.	Vaccination (Ireland).
c. 65. s. 1.	Police in Counties and Burghs (Scotland).
c. 67.	Repeal of Enactments requiring Returns to be made to Secretary of State.
c. 72. in pt.	Sale and Transfer of Land (Ireland).
c. 73. s. 8.	Stipendiary Magistrates and Justices of the Peace.
c. 74. in pt.	County Courts.
c. 75. s. 4.	Railway Cheap Trains.
c. 82.	Militia Pay.
c. 83. in pt.	Universities of Scotland.
c. 85.	Militia.
c. 86.	Militia.
c. 87. s. 3. in pt.	Corrupt Practices Prevention Act Continuance.
c. 89.	Lunatics and Lunatic Asylums (Scotland).
c. 90. in pt.	Qualifications of Practitioners in Medicine and Surgery.
c. 95. in pt.	Probate and Letters of Administration Act Amendment.
c. 96. ss. 3., 5.	West Indian Incumbered Estates Act Amendment.
c. 97. in pt.	Public Health.
c. 100. s. 4.	Office of Clerk of Petty Sessions (Ireland).
c. 102.	Art Unions Indemnity.
c. 104. s. 25.	Metropolis Local Management and Main Drainage.
c. 107.	Appropriation.
c. 108. in pt.	Divorce Courts.
22 Vict. c. 2.	Anniversary Days Observance.
c. 4.	Mutiny.
c. 5.	Marine Mutiny.
c. 6.	Supply.
c. 7.	Supply.
c. 11. in pt.	East India Loan.
c. 14. in pt.	Abolition of Manor Courts (Ireland).
c. 17.	Savings Banks (Ireland).
c. 21. ss. 1–3.	Medical Act Amendment.
c. 22.	Supply.
c. 23.	Appropriation.
c. 25. s. 1.	Convict Prisons abroad.
c. 26. s. 1.	Civil Service Superannuation.
c. 29.	Maintenance of Paupers upon the Union Funds.

Table B.—Acts of former Sessions repealed and amended—*continued.*

Act repealed by 38 & 39 Vict. c. 66.	Subject-matter of Act repealed.
22 & 23 Vict. c. 2.	Supply.
c. 3.	Public Health Act.
c. 12. s. 1.	Power of Repeal by Colonial Legislatures.
c. 15.	Militia Ballots Suspension.
c. 18. in pt.	Income Tax.
c. 20. in pt.	Military Savings Banks.
c. 21. in pt.	Queen's Remembrancer, Court of Exchequer.
c. 23.	Collection of County Cess (Ireland).
c. 25.	Linen, Hempen, and other Manufactures (Ireland).
c. 27.	European Troops for local Service in India.
c. 31. in pt.	Probates and Letters of Administration (Ireland).
c. 32. in pt.	Police, Counties and Boroughs (England and Wales).
c. 34.	University of Cambridge, &c.
c. 36. s. 2.	Stamp Duties.
c. 37. ss. 1–7.	Customs.
c. 38 in pt.	Militia.
c. 40. in pt.	Reserve Volunteer Force of Seamen.
c. 44.	Exemption of Stock in Trade from Rating.
c. 45.	Ecclesiastical Jurisdiction in England.
c. 46. s. 3.	Episcopal and Capitular Estates in England.
c. 48.	Corrupt Practices Prevention Act Continuance.
c. 49. s. 2.	Payment of Debts incurred by Boards of Guardians.
c. 50	Exemption of Charities from Charitable Trusts Acts.
c. 51.	Turnpike Acts Continuance (Great Britain).
c. 53. s. 2.	Charitable and Provident Societies and Penny Savings Banks.
c. 54.	Militia Pay.
c. 55.	Appropriation.
c. 56. s. 9. in pt.	Weights and Measures.
c. 61. s. 4. in pt.	Court for Divorce and Matrimonial Causes.
c. 62.	Bankruptcy and Insolvency (Ireland).
23 & 24 Vict. c. 2.	Supply.
c. 3.	Supply.
c. 7. ss. 3., 4.	Medical Acts Amendment.
c. 9.	Mutiny.
c. 10.	Marine Mutiny.
c. 12.	Supply.
c. 14. in pt.	Property Tax.
c. 18. s. 1. in pt.	Marriages of Quakers.
c. 20.	Supply.
c. 23.	Oxford University Commission.
c. 25.	Supply.
c. 26. in pt.	Application of "The Common Lodging Houses Acts" to Ireland.
c. 27. in pt.	Wine Licences and Refreshment Houses.
c. 28.	Sir John Barnard's Act Repeal.
c. 32. in pt.	Jurisdiction of the Ecclesiastical Courts.
c. 33. s. 6.	Bankruptcy (Scotland).
c. 36. ss. 5–7.	Places for Warehousing of Goods.
c. 41.	Railway Cheap Trains, &c.
c. 47. s. 1.	Councillors and Burgesses in Royal Burghs (Scotland).
c. 51. s. 1. in pt.	Annual Return of Rates, Taxes, &c. for Local Purposes in England.
c. 54. in pt.	Abolishing Offices on the Crown Side of the Court of Queen's Bench.
c. 57.	Repayment of Loan to the Island of Dominica.

Table B.—Acts of former Sessions repealed and amended—*continued.*

Act repealed by 38 & 39 Vict. c. 66.	Subject-matter of Act repealed.
23 & 24 Vict. (*cont.*)	
c. 60.	Regulating the Queen's Prison.
c. 61.	Census of England.
c. 62.	Census of Ireland.
c. 67.	Application of Highway Rates to Turnpike Roads.
c. 68. in pt.	Highways (South Wales).
c. 73.	Turnpike Acts Continuance (Great Britain).
c. 79. s. 18. in pt.	Sheriff Courts (Scotland).
c. 80. s. 9.	Duty upon Heritable Securities (Scotland).
c. 81.	Copyhold and Inclosure Commissions, &c.
c. 85. in pt.	Registration of Births, Deaths, and Marriages (Scotland)
c. 88. s. 1. in pt.	Extending Admiralty Jurisdiction Territories in India.
c. 90. in pt.	Duties on Game Certificates, &c.
c. 92. ss. 8., 9.	Scottish Herring Fisheries.
c. 94. s. 13.	Militia.
c. 98.	Census in Scotland.
c. 99.	Corrupt Practices Prevention Act Continuance.
c. 101.	Poor Law Board.
c. 102. ss. 1–5.	Management of East India Stock, &c.
c. 103.	Supply.
c. 105. s. 49.	Management of the General Prison at Perth, &c.
c. 106. s. 1.	Lands Clauses Consolidation Acts.
c. 107. s. 1. in pt.	Wine Licences and Refreshment Houses.
c. 110. in pt.	Duties of Customs.
c. 111. in pt.	Stamp Duties.
c. 112. in pt.	Acquiring of Lands for Defence of the Realm.
c. 113. in pt.	Duties of Excise.
c. 114. in pt.	Excise Regulations relating to Spirits.
c. 116. in pt.	Election, County Coroners.
c. 119. in pt.	Weights and Measures (Ireland).
c. 120. ss. 27–29.	Militia Ballots Suspension.
c. 124. s. 40.	Ecclesiastical Commissioners, &c.
c. 125. in pt.	Supply of Gas to the Metropolis.
c. 127. in pt.	Laws relating to Attorneys, Solicitors, &c.
c. 129. in pt.	Excise Duties on British Spirits, &c.
c. 131.	Appropriation.
c. 132.	Supply.
c. 133.	Militia Pay.
c. 134. s. 4.	Roman Catholic Charities.
c. 136. in pt.	Administration of Endowed Charities.
c. 138.	Peace Preservation (Ireland) Act Continuance.
c. 141.	Party Processions (Ireland).
c. 142. s. 30. in pt.	Union of contiguous Benefices in Cities, Towns, and Boroughs.
c. 144. s. 2. in pt.	Court for Divorce and Matrimonial Causes.
c. 148.	Poor Law Commissioners (Ireland).
c. 149. in pt.	Court of Chancery.
c. 154. s. 104. in pt.	Law of Landlord and Tenant in Ireland.
24 & 25 Vict. c. 2.	Supply.
c. 4.	Red Sea and India Telegraph Act.
c. 6.	Supply.
c. 7.	Mutiny.
c. 8.	Marine Mutiny.
c. 10. in pt.	Admiralty Jurisdiction, &c.
c. 12.	Queen's Prison.
c. 19.	Supply.

Table B.—Acts of former Sessions repealed and amended—*continued.*

Act repealed by 38 & 39 Vict. c. 66.	Subject-matter of Act repealed.
24 & 25 Vict. (*cont.*)	
c. 20.	Duties of Customs and Inland Revenue.
c. 21. in pt.	Certain Duties of Excise and Stamps.
c. 26. s. 13.	Dublin Improvement Act Amendment.
c. 34.	Improvement of Landed Property (Ireland).
c. 37. in pt.	Assessment for the Poor in Scotland.
c. 47. in pt.	Loans to Harbour Authorities and abolishing Passing Tolls.
c. 53. s. 2. in pt.	Recording of Votes at Elections for the Universities.
c. 55. in pt.	Removal of the Poor, &c.
c. 57.	Private Lunatic Asylums (Ireland).
c. 58.	Collection of County Cess (Ireland).
c. 59. in pt.	Vaccination.
c. 62. s. 5.	Crown Suits Limitation
c. 64.	Turnpike Acts Continuance (Great Britain).
c. 65.	Ordnance Survey.
c. 68.	Attorneys and Solicitors (Ireland).
c. 74.	Enlistment in India.
c. 75. s. 4. in pt.	Municipal Corporations.
c. 76. ss. 5., 7.	Removal of poor Persons to Ireland.
c. 79. s. 2.	Metropolis Gas Act Amendment.
c. 83. in pt.	Registration of County Voters (Scotland).
c. 84. s. 2. in pt.	Gratuitous Trustees (Scotland).
c. 85.	Loans for Public Works (Ireland).
c. 86. in pt.	Conjugal Rights (Scotland).
c. 89.	Pensions, &c. of British Forces in India.
c. 91. s. 1. in pt.	Inland Revenue.
c. 103.	Appropriation.
c. 109. in pt.	Salmon Fisheries (England).
c. 112 in pt.	Sudbury and Saint Alban's: Appropriation of Seats.
c. 119.	Militia Pay.
c. 120.	Militia Ballots Suspension.
c. 122.	Corrupt Practices Prevention Act Continuance.
c. 123. s. 3.	Rate of Duty on Proceedings under Landed Estates (Ireland) Act.
c. 131. s. 2.	Episcopal and Capitular Estates in England.
25 & 26 Vict. c. 1.	Supply.
c. 2.	Supply.
c. 5.	Mutiny.
c. 6.	Marine Mutiny.
c. 8.	Sir John Soane's Museum.
c. 12.	Protection of Inventions and Designs.
c. 13.	Supply.
c. 14. s. 2.	Crown Suits, Isle of Man.
c. 15. in pt.	College of Physicians (Ireland).
c. 19. in pt.	General Pier and Harbour Act Amendment.
c. 22. in pt.	Duties of Customs and Inland Revenue.
c. 24.	Peace Preservation (Ireland) Act Continuance.
c. 27.	Retiring Pay, Pensions, &c., British Forces in India.
c. 28.	Universities (Scotland) Act Amendment.
c. 29. ss. 1., 2., 5.	Improvement of Landed Property (Ireland).
c. 31.	Supply.
c. 32.	Unlawful Oaths (Ireland).
c. 44. s. 1. in pt.	Aid to discharged Prisoners.
c. 48. ss. 1., 6.	New Zealand.
c. 53 in pt	Proof of Title to and the conveyance of Real Estates.
c. 54. s. 2	Lunacy (Scotland).

Table B.—Acts of former Sessions repealed and amended—*continued.*

Act repealed by 38 & 39 Vict. c. 66.	Subject-matter of Act repealed.
25 & 26 Vict. (*cont.*)	
c. 58. s. 1. in pt.	Parochial Buildings (Scotland).
c. 61. in pt.	Better Management of Highways in England.
c. 62. in pt.	Elections for Counties (Ireland).
c. 63. in pt.	Merchant Shipping Acts Amendment.
c. 67. in pt.	Declaration of Title.
c. 69. in pt.	Transferring to the Board of Trade certain Powers and Duties relative to Harbours, &c.
c. 71.	Appropriation.
c. 72.	Turnpike Acts Continuance (Great Britain).
c. 73. s. 1.	Copyhold, Inclosure, and Tithe Commission Continuance.
c. 75.	Savings Banks (Ireland).
c. 76. in pt.	Weights and Measures (Ireland).
c. 77.	Militia Ballots Suspension.
c. 80.	Militia Pay.
c. 81.	Court for Divorce and Matrimonial Causes.
c. 83. s. 26.	Relief of the Poor (Ireland).
c. 84. s. 1.	Duties of Excise on Sugar.
c. 86. in pt.	Commissions of Lunacy, &c.
c. 87. in pt.	Industrial and Provident Societies.
c. 89. in pt.	Trading Companies, &c.
c. 92. in pt.	Elections in Counties and Boroughs (Ireland).
c. 97. in pt.	Salmon Fisheries (Scotland).
c. 101. in pt.	Police of Towns, &c. (Scotland).
c. 102. in pt.	Metropolis Local Management.
c. 104. in pt.	Discontinuance of the Queen's Prison.
c. 105. in pt.	Highland Roads and Bridges.
c. 106. ss. 1., 4.	Appointment of County Surveyors (Ireland).
c. 107. in pt.	Juries.
c. 109.	Corrupt Practices Prevention Act Continuance.
c. 110.	Union Relief Aid.
c. 111. s. 19.	Lunatics.
c. 113. s. 8.	Removal of poor Persons from England to Scotland, &c.
26 & 27 Vict. c. 2.	Bills of Exchange payable on the Day of the Passage, &c. of the Princess Alexandra..
c. 4.	Union Relief Aid.
c. 5.	Royal Naval Coast Volunteers.
c. 6.	Supply.
c. 8.	Mutiny.
c. 9.	Marine Mutiny.
c. 11. in pt.	Registration of Births and Deaths (Ireland).
c. 12. in pt.	Abolishing the Office of Secretary at War.
c. 15.	Supply.
c. 16.	Supply.
c. 19.	Sale of Hares in Ireland.
c. 21. s. 1.	Costs of Maintenance of Illegitimate Children (Ireland).
c. 22.	Duties of Customs and Inland Revenue.
c. 23. s. 1.	Boundaries of New Zealand.
c. 29. s. 10. in pt.	Corrupt Practices at Elections of Members of Parliament.
c. 33. in pt.	Duties of Inland Revenue.
c. 35. s. 6.	Punishment of Offences (South Africa).
c. 37.	Militia Pay.
c. 48.	Mutiny (East India) Act Repeal.
c. 50. in pt.	Salmon Fisheries (Scotland).
c. 51. in pt.	Passengers Act Amendment.
c. 53.	Militia Ballots Suspension.

Table B.—Acts of former Sessions repealed and amended—*continued.*

Act repealed by 38 & 39 Vict. c. 66.	Subject-matter of Act repealed.
26 & 27 Vict. (*cont.*)	
c. 55.	Poor Law Board.
c. 56.	Loan Societies.
c. 57. in pt.	Payment of Regimental Debts.
c. 62. s. 2. in pt.	Seizure of growing Crops in Ireland.
c. 65. in pt.	Volunteer Force in Great Britain.
c. 69. s. 6.	Officers of the Royal Naval Reserve.
c. 76. s. 4.	Colonial Letters Patent.
c. 77. in pt.	Jurisdiction of Justices.
c. 89. s. 3.	Removal of Irish Poor.
c. 90. in pt.	Registration of Marriages in Ireland.
c. 91.	Union Relief Aid.
c. 94. in pt.	Turnpike Acts Continuance (Great Britain).
c. 95.	Expiring Acts Continuance.
c. 99.	Appropriation.
c. 114. in pt.	Fisheries.
c. 117. s. 1.	Nuisances Removal.
c. 118. in pt.	Companies Clauses Consolidation.
c. 120. s. 38. in pt.	Lord Chancellor's Benefices.
c. 121.	Clergymen (Colonies).
27 & 28 Vict. c. 2.	Sir John Laird Mair Lawrence's Annuity.
c. 3.	Mutiny.
c. 4.	Marine Mutiny.
c. 5.	Supply.
c. 6.	Supply.
c. 7. s. 1.	Bills of Exchange and Promissory Notes (Ireland).
c. 10.	Union Relief Aid.
c. 11.	Supply.
c. 12. s. 16.	Warehousing of British Spirits.
c. 15. in pt.	Despatch of Business, Court of Chancery.
c. 16.	Appointment of Henry Pendock St. George Tucker, Esquire.
c. 17. in pt.	Abolition of Vestry Cess (Ireland).
c. 18. in pt.	Duties of Customs and Inland Revenue.
c. 21.	Indemnity of Members of the House of Commons sitting while holding the Office of Under Secretary of State.
c. 28. in pt.	Common Law Procedure (Ireland).
c. 29. ss. 1., 6.	Confinement and Maintenance of Insane Prisoners.
c. 34. s. 4.	Seats in the House of Commons of Persons holding certain Public Offices.
c. 36. s. 5.	Payment of Shares of Prize Money belonging to deceased Officers and Soldiers.
c. 37. ss. 2., 11.	Regulation of Chimney Sweepers.
c. 43. ss. 3., 7.	Government Annuities.
c. 47. in pt.	Penal Servitude Acts Amendment.
c. 48. in pt.	Factory Acts Extension.
c. 56. in pt.	Stamp Duties and Inland Revenue.
c. 59. s. 1.	Deputy Commissioners in Lunacy in Scotland.
c. 63.	Militia Ballots Suspension.
c. 64. in pt.	Public Houses and Refreshment Houses, Metropolis.
c. 69.	Militia Pay.
c. 73.	Appropriation.
c. 74.	Exchequer Bonds.
c. 75. in pt.	Turnpike Acts Continuance.
c. 76. s. 2. in pt.	Registration of Deeds (Ireland).
c. 84.	Expiring Acts Continuance.
c. 85.	Contagious Diseases at Naval and Military Stations.

Table B.—Acts of former Sessions repealed and amended—*continued.*

Act repealed by 38 & 39 Vict. c. 66.	Subject-matter of Act repealed.
27 & 28 Vict. (*cont.*)	
c. 86. n pt.	Compositions for Stamp Duty on Bank Post Bills (Ireland).
c. 87. in pt.	Publication of Corn Accounts.
c. 94. ss. 1., 3., 4.	Removal of Disabilities of Bishops and Clergy of the Protestant Episcopal Church in Scotland.
c. 99. in pt.	Civil Bill Courts (Ireland).
c. 101. in pt.	Better Management of Highways (England).
c. 105. s. 2.	Removal of the Poor.
c. 106. s. 2.	Salaries of Sheriffs Substitute (Scotland).
c. 114. ss. 90., 91.	Improvement of Land.
c. 118. s. 2.	Salmon Fisheries (Scotland).
28 & 29 Vict. c. 4.	Supply.
c. 6.	Protection of Inventions and Designs at the Dublin Exhibition.
c. 9. s. 1.	Allowing Affirmations or Declarations instead of Oaths in Proceedings in Scotland.
c. 10.	Supply.
c. 11.	Mutiny.
c. 12.	Marine Mutiny.
c. 16. ss. 1., 2.	Management of the Unredeemed Public Debt in Ireland, &c.
c. 21. s. 2.	Bankruptcy and Insolvency (Ireland).
c. 22. s. 1.	Scottish Herring Fisheries.
c. 29.	Exchequer Bonds.
c. 30. in pt.	Duties of Customs and Inland Revenue.
c. 33. s. 4.	Tories, Robbers, and Rapparees (Ireland).
c. 34. s. 1. in pt.	Metropolitan Houseless Poor Act.
c. 37. s. 18.	Administration of Justice at Quarter Sessions in the County of Sussex.
c. 42. s. 8. in pt.	Annexation of Tithes to District Churches.
c. 45. in pt.	Collection by means of Stamps of Fees in the Superior Courts of Law at Westminster.
c. 47.	Militia Pay.
c. 48. in pt.	Expenses of providing Courts of Justice, &c.
c. 50. in pt.	Protection of Sheep and other Property from Dogs in Ireland.
c. 54. s. 1.	Pheasants (Ireland).
c. 62.	Exemption of Churches and Chapels from Poor Rates (Scotland).
c. 66. ss. 1., 13., 14.	Excise Duty on Malt.
c. 70. in pt.	Distribution of the Constabulary Force (Ireland).
c. 75. in pt.	More useful Application of Sewage in Great Britain and Ireland.
c. 77. s. 4.	Public House Closing Act Amendment.
c. 79. s. 3. in pt.	Distribution of the Charge for the Relief of the Poor in Unions.
c. 89. in pt.	Better Government of Greenwich Hospital.
c. 90. in pt.	Establishment of a Fire Brigade within the Metropolis.
c. 95.	Duties and Drawbacks on Sugar.
c. 96. s. 24.	Inland Revenue.
c. 98. s. 14.	Warehousing of British Compounded Spirits.
c. 99. in pt.	Equity Jurisdiction, County Courts.
c. 104. in pt.	Crown Suits in the Court of Exchequer at Westminster.
c. 105.	Poor Law Board Continuance.
c. 107. in pt.	Turnpike Acts Continuance (Great Britain).
c. 118. s. 3.	Peace Preservation (Ireland) Act Continuance.
c. 119.	Expiring Acts Continuance.

Table B.—Acts of former Sessions repealed and amended—*continued.*

Act repealed by 38 & 39 Vict. c. 66.	Subject-matter of Act repealed.
28 & 29 Vict. (*cont.*)	
c. 121. in pt.	The Salmon Fishery Act Amendment.
c. 122. in pt.	Subscriptions and Declarations and Oaths by the Clergy.
c. 123.	Appropriation.
c. 126. in pt.	Prisons Law Consolidation.
29 & 30 Vict. c. 1.	Habeas Corpus Suspension (Ireland).
c. 6.	Supply.
c. 9.	Mutiny.
c. 10.	Marine Mutiny.
c. 11. ss. 4., 5.	Cancellation of certain Stocks standing in the Names of the National Debt Commissioners.
c. 13.	Supply.
c. 16.	Public Exhibition of Works of Art.
c. 19. in pt.	Parliamentary Oaths.
c. 20.	Indemnity of William Forsyth, Esquire
c. 25. s. 3. in pt.	Preparation, Issue, and Payment of Exchequer Bills and Bonds.
c. 35. in pt.	Contagious Diseases at Naval and Military Stations.
c. 36. in pt.	Duties of Customs and Inland Revenue.
c. 37. s. 21.	Frauds and Abuses in the Trade of Hops.
c. 41. s. 1.	Nuisances Removal and Diseases Prevention.
c. 46. ss. 1., 2.	Authorising Town Council of Belfast to pay Charges in respect of extra Constabulary.
c. 60.	Militia Pay.
c. 62. s. 4.	Woods, Forests, and Land Revenues of the Crown.
c. 64. in pt.	Inland Revenue.
c. 82. in pt.	Standard Weights and Measures, &c.
c. 88. ss. 3., 6.	Licenses for the Establishment of Oyster Beds (Ireland).
c. 90. in pt.	Public Health.
c. 91.	Appropriation.
c. 95. s. 4. in pt.	Loan to Railway Companies (Ireland).
c. 97. s. 4.	Cultivation of Oysters in Ireland.
c. 99. s. 4. in pt.	Judges in the Landed Estates Court in Ireland.
c. 100. in pt.	Prisons.
c. 101. in pt.	Fees, Courts of Law at Westminster, &c.
c. 102.	Expiring Acts Continuance.
c. 103. in pt.	Constabulary Force (Ireland).
c. 104. s. 4.	Liquidation of Bonds for repayment of Advances for New Zealand.
c. 105. in pt.	Turnpike Acts Continuance (Great Britain).
c. 108. s. 4. in pt.	Securities issued by Railway Companies.
c. 109. s. 99.	Discipline of the Navy.
c. 111. in pt.	Ecclesiastical Commissioners for England.
c. 112. s. 3. in pt.	Evidence in Civil Causes in the Court of Session (Scotland).
c. 117. in pt.	Reformatory Schools in Great Britain.
c. 118. in pt.	Industrial Schools in Great Britain.
c. 119.	Habeas Corpus Suspension (Ireland).
30 & 31 Vict. c. 1.	Habeas Corpus Suspension (Ireland).
c. 4.	Supply.
c. 5. in pt.	Duty of Excise on Dogs.
c. 6. ss. 60., 78.	Establishment in the Metropolis of Asylums for the Sick, &c.
c. 7.	Supply.
c. 8.	Trades Unions Commission of Employers and Workmen.
c. 10.	Duties and Drawbacks on Sugar.
c. 11.	Recovery of Alimony under Decrees of Courts in Ireland.

Table B.—Acts of former Sessions repealed and amended—*continued.*

Act repealed by 38 & 39 Vict. c. 66.	Subject-matter of Act repealed.
30 & 31 Vict. (*cont.*)	
c. 13.	Mutiny.
c. 14.	Marine Mutiny.
c. 15. s. 6.	Local Dues on Shipping, &c.
c. 23. in pt.	Duties of Customs and Inland Revenue.
c. 25.	Habeas Corpus Suspension (Ireland).
c. 27. s. 6.	Allowing Warehoused British Spirits to be bottled for Home Consumption.
c. 30.	Supply.
c. 31.	Exchequer Bonds.
c. 34. in pt.	Limiting Period of Enlistment in Her Majesty's Army.
c. 44. in pt.	Constitution, Practice, and Procedure of the Court of Chancery (Ireland).
c. 47. s. 1.	Crown Debts and Judgments.
c. 52. ss. 9., 10., 13.	White Herring Fishery.
c. 55.	Lunatics (Scotland).
c. 68. s. 5.	Despatch of Business, Judges Chambers.
c. 74.	Trades Union Commission Act Extension.
c. 80. ss. 11., 12.	Valuation of Lands (Scotland).
c. 82.	Customs.
c. 84. s. 36.	Vaccination.
c. 85. s. 3.	Burgh of Galashiels, County of Selkirk.
c. 87. in pt.	Court of Chancery, &c.
c. 89. s. 1. in pt.	Compositions for Stamp Duty on Bank Post Bills (Ireland).
c. 90. in pt.	Inland Revenue.
c. 92.	Militia Pay.
c. 102. in pt.	Representation of the People in England and Wales.
c. 103. in pt.	Extension of the Factory Acts.
c. 106. ss. 1., 16.	Poor Law Board.
c. 110. s. 20. in pt.	Reserve Force.
c. 114. in pt.	Procedure and Practice of the Court of Admiralty (Ireland).
c. 117. ss. 1., 10.	Industrial and Provident Societies.
c. 120.	Appropriation.
c. 121. in pt.	Turnpike Acts Continuance.
c. 122. ss. 7., 12.	Courts of Justice.
c. 124. ss. 2., 3.	Merchant Shipping Act Amendment.
c. 127. s. 37.	Railway Companies.
c. 129.	Court of Chancery, Courts of Common Law (Ireland).
c. 134. in pt.	Regulating the Traffic in the Metropolis.
c. 138.	Advances under The Railway Companies (Ireland) Temporary Advances Act.
c. 141. s. 3. in pt.	Master and Servant.
c. 142. in pt.	County Courts.
c. 143.	Expiring Laws Continuance.
c. 146. in pt.	Hours of Labour for Children, &c. in Workshops.
31 & 32 Vict. c. 1.	Supply.
c. 2.	Income Tax.
c. 4. s. 3. in pt.	Sales of Reversions.
c. 5. in pt.	Metropolitan Streets Act Amendment.
c. 6.	Issue of Writs for Totnes, Reigate, Great Yarmouth, and Lancaster.
c. 7.	Habeas Corpus Suspension (Ireland).
c. 10.	Supply.
c. 13.	Supply.
c. 14.	Mutiny.
c. 15.	Marine Mutiny.

Table B.—Acts of former Sessions repealed and amended—*continued.*

Act repealed by 38 & 39 Vict. c. 66.	Subject-matter of Act repealed.
31 & 32 Vict. (*cont.*)	
c. 16.	Supply.
c. 18.	Giving further Time for making certain Railways.
c. 27.	Exchequer Bonds.
c. 28. except s. 5.	Duties of Customs and Income Tax.
c. 30. s. 1.	Formation of quoad sacra Parishes in Scotland, &c.
c. 38. s. 2. in pt.	Unclaimed Prize Money, India.
c. 46. ss. 13., 14.	Boundaries of Boroughs, &c.
c. 48. in pt.	Representation of the People in Scotland.
c. 49. in pt.	Representation of the People in Ireland.
c. 50. ss. 6., 8.	Administration of Prisons (Scotland).
c. 55. s. 10.	Collection by means of Stamps of Fees by Stamps in Courts of Law (Scotland).
58. s. 3. in pt.	Registration of Voters.
c. 59. in pt.	Reformatory Schools in Ireland.
c. 63.	Bank of Bombay.
c. 64. in pt.	Registration of Writs relating to Heritable Property (Scotland).
c. 67. s. 4. in pt.	Metropolitan Police.
c. 72. in pt.	Promissory Oaths.
c. 73.	Disability to vote at Parliamentary Elections Relief.
c. 76.	Militia Pay.
c. 77. in pt.	Court of Divorce and Matrimonial Causes.
c. 82. s. 2. in pt.	Abolishing Rogue Money.
c. 85.	Appropriation.
c. 94.	Railway Companies (Ireland) Temporary Advances.
c. 95. ss. 20., 21.	Court of Justiciary and other Criminal Courts (Scotland).
c. 96. s. 25.	Ecclesiastical Buildings and Glebes (Scotland).
c. 97. in pt.	Audit of Accounts of District Lunatic Asylums (Ireland).
c. 99. in pt.	Turnpike Acts Continuance (Great Britain).
c. 100. ss. 80., 104., 127.	Court of Session, &c. (Scotland).
c. 101. in pt.	Heritable Property (Scotland).
c. 102. s. 8.	General Police and Improvement (Scotland).
c. 108. ss. 7., 18.	Royal and Parliamentary Burghs (Scotland).
c. 109. s. 4.	Abolition of Compulsory Church Rates.
c. 110. s. 24.	Enabling the Postmaster General to acquire Telegraphs.
c. 111.	Expiring Laws Continuance.
c. 117. s. 1.	District Church Tithes.
c. 119. in pt.	Amending the Law relating to Railways.
c. 120. s. 1. in pt.	Salaries of future Bishops, Clergy, &c. in the West Indies.
c. 123. ss. 16., 42., 43.	Salmon Fisheries (Scotland).
c. 125. s. 54. in pt.	Election Petitions.
c. 128. in pt.	Lord High Commissioner of the Ionian Islands.

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